

## SENATE.

WEDNESDAY, February 20, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

## TESTS OF FIREPROOFED WOOD.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 19th instant, a report of recent tests, made under his direction, of fireproofed wood taken from the torpedo boat *Winslow*; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed.

## PETITIONS AND MEMORIALS.

Mr. FOSTER presented a petition of the West Washington Woman's Christian Temperance Union, of Columbia City, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of sundry citizens of New York, praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented the petition of Fred F. White and sundry other citizens of West Hampton Beach, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented the petition of Arthur H. Allen, of Troy, N. Y., and a petition of the Woman's Foreign Missionary Society of Hudson, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides; which were ordered to lie on the table.

Mr. CULLOM presented a petition of 200 citizens of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of the United Brotherhood of Carpenters and Joiners of America, remonstrating against the disposal of the public lands except to actual settlers thereon; which was referred to the Committee on Public Lands.

He also presented a petition of the general assembly of the committee on temperance of the Presbyterian Church of Rockford, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was ordered to lie on the table.

Mr. SCOTT presented the following joint resolution of the legislature of West Virginia; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD:

Senate joint resolution No. 12, requesting the Senators and Representatives in Congress from this State to consider the proposition for the purchase of the Moore House and Temple Farm at Yorktown, Va.

Whereas the Moore House and Temple Farm, upon which it is situated, at Yorktown, Va., will carry with them through all time the memories of the siege and victory by which the allied armies of France and the American colonies secured the independence of our nation; and

Whereas it is reported that the property can at this time be bought for a nominal sum, and it is believed that the products of the farm will be sufficient to keep the buildings in repair, and the buildings are so situated as to be well adapted for Government purposes on occasions of naval inspection and reviews on York River: Be it

Resolved by the legislature of West Virginia, That the Senators and Representatives in Congress be, and are hereby, requested to consider and, if in their judgment they can wisely do so, to support a bill for the purchase of Temple Farm and Moore House, at Yorktown, Va., by the Government of the United States of America, provided that the cost of said farm with its improvements shall not exceed a reasonable sum; and be it

Resolved, That properly attested copies of these resolutions be sent to the Senators and Representatives in Congress from this State.

Passed the senate January 26, 1901.

JOHN T. HARRIS, Clerk of the Senate.

Adopted by the house of delegates January 23, 1901.

HARRY SHAW,  
Clerk of the House of Delegates.

Attest:

HARRY SHAW, Clerk of the House of Delegates.

Mr. FRYE presented the petition of M. C. Hill and 7 other citizens of Belfast, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

## DESTITUTE NATIVES OF ALASKA.

Mr. SHOUP. I present a letter from the Secretary of the Interior, addressed to me, as chairman of the Committee on Terri-

ories, relative to the condition of the natives of Alaska, and requesting an appropriation for their relief. I move that the letter and accompanying papers be printed and referred to the Committee on Appropriations, with the recommendation that the appropriation suggested by the Secretary of the Interior be made for the relief of the destitute natives of Alaska.

The motion was agreed to.

## REPORTS OF COMMITTEES.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the amendment submitted by the Senator from New York [Mr. PLATT] on the 18th instant, proposing to establish a consulate at Teneriffe, Spain, intended to be proposed by him to the diplomatic and consular appropriation bill, to report it favorably, and I ask that it be referred to the Committee on Appropriations, and printed. I call the attention of the Senator from Maine [Mr. HALE] to the amendment.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Appropriations and printed.

Mr. LODGE. I am also directed by the Committee on Foreign Relations, to whom was referred Senate resolution No. 470, relative to the protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua, to report it adversely, and I ask that it may be placed upon the Calendar. There will be a minority report filed on the resolution.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

Mr. McMILLAN, from the Committee on Commerce, reported an amendment proposing to appropriate \$70,000 for the construction or purchase of a suitable vessel to take the place of the revenue cutter *Chase*, intended to be proposed to the sundry civil appropriation bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 6012) to provide an American register for the steam yacht *May*, reported it without amendment, and submitted a report thereon.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. HALE on the 13th instant relative to the printing and distribution of certain Government publications, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 1845) granting pensions to William Allen and Isaac Garman, reported it with amendments, and submitted a report thereon.

Mr. MARTIN. I am directed by the Committee on the District of Columbia to report a bill.

The bill (S. 6013) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats, was read twice by its title.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. MARTIN. I move that the bill (S. 5820) relative to the suit instituted for the protection of the interests of the United States in the Potomac Flats, being Order of Business No. 2240 on the Calendar, be postponed indefinitely, and that the bill just reported by me be given the place of that bill on the Calendar.

The motion was agreed to.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4232) granting an increase of pension to Philip Volkner;

A bill (S. 2506) granting an increase of pension to Michael Dillon; and

A bill (S. 5068) granting a pension to Rosannah J. Ross.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5069) granting an increase of pension to Mahala Litton;

A bill (S. 2980) granting a pension to Mary A. Lamb; and

A bill (S. 3128) granting a pension to Josephine V. Van Voorhees.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5443) granting an increase of pension to Charles R. Bridgman; and

A bill (H. R. 13154) granting a pension to Ernestine Lavigne.

Mr. ALLEN, from the Committee on Pensions, to whom was

referred the bill (S. 1199) granting a pension to John D. Pickard, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3165) granting a pension to James C. Henry, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902, to report it with sundry amendments. I will, later in the day, file a written report to accompany the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. SHOUP. I desire to give notice that after the completion of the Post-Office appropriation bill I shall take occasion to call this bill up for consideration.

Mr. HALE. The Senator will bear in mind that there are two other appropriation bills concerning which notice has been given before this bill.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 11789) amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897, reported it with an amendment.

Mr. COCKRELL, from the Committee on the Library, to whom was referred the bill (S. 4176) to erect a monument at Winchester, Va., to the memory of Gen. Daniel Morgan, reported it with amendments.

#### AGRICULTURAL EXPERIMENT STATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 292) providing for reprint of Bulletin No. 80, entitled "The Agricultural Experiment Stations of the United States," to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for printing from the stereotype plates in the Government Printing Office 5,000 copies of Bulletin No. 80, office of Experiment Stations, entitled "The Agricultural Experiment Stations in the United States," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NEW YORK INDIAN SOLDIERS.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 2298) to grant land warrants to New York Indian soldiers who served in the war of 1812, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 2298) entitled "A bill to grant land warrants to New York Indian soldiers who served in the war of 1812," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### MARY M. KENNEDY AND OTHERS.

Mr. THURSTON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 2299) for the relief of Mary M. Kennedy and others, to report a resolution; and I ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the bill (S. 2299) entitled "A bill for the relief of Mary M. Kennedy and others," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith; and the said court is hereby directed to send said bill to the Secretary of War for an accounting and statistical information, which accounting and information shall be returned by said court to the Senate as a part of its findings.

Mr. SPOONER. What court is it proposed to direct?

Mr. WOLCOTT. The Court of Claims.

Mr. SPOONER. That is rather an extraordinary provision.

Mr. THURSTON. It is a resolution referring the bill to the Court of Claims under the Bowman Act, and directing the court to refer the case to the War Department for certain accounting and statistical information; that is all.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

#### PAYMENT OF AWARD TO CHEROKEES.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 3681) providing for the payment of the award of the Secretary of the Interior in favor of the Cherokees, made under the provision of the act of Congress of March 3, 1893, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 3681) entitled "A bill providing for the payment of the award of the Secretary of the Interior in favor of the Cherokees, made under the provision of the act of Congress of March 3, 1893, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### BILL INTRODUCED.

Mr. CLAY introduced a bill (S. 6014) for the relief of George H. Hogan; which was read twice by its title, and referred to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. MASON submitted an amendment relative to the appointment of an embalmer and undertaker in the Army, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment increasing the limit of cost for the construction of the public building at St. Paul, Minn., from \$1,050,000 to \$1,150,000, and providing that the old public building in said city shall be remodeled and space therein assigned to such officials who are entitled to offices in public buildings, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. PETTIGREW submitted an amendment proposing to appropriate \$383.33 to pay F. W. Pettigrew, being an amount due and unpaid on contract No. 132 of July 12, 1897, for surveys of public lands, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

#### CENTENNIAL EXPOSITION AT ST. LOUIS, MO.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri; which was ordered to lie on the table, and to be printed.

#### PREFERENCE IN CIVIL APPOINTMENTS.

Mr. JONES of Arkansas, submitted an amendment intended to be proposed by him to the bill (S. 5417) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers; which was ordered to lie on the table, and to be printed.

#### INSTRUCTIONS TO PEACE COMMISSIONERS AT PARIS.

Mr. PETTIGREW. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

*Resolved*, That the Committee on Printing be, and is hereby, directed to ascertain the reason why the Public Printer has not caused to be printed and delivered to the Senate the instructions and papers sent to the Peace Commissioners at Paris.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. WOLCOTT. I should like to have the resolution read again.

The Secretary again read the resolution.

Mr. SPOONER. What is the object?

Mr. PETTIGREW. On the 5th of this month the Senate passed a resolution to print the instructions and papers sent to the commissioners who made the treaty with Spain, and we have been unable to get them up to date. They ought to have come here, it seems to me, the next day, and there is no good reason why they should be over two weeks about it. I want the Committee on Printing to ascertain the difficulty, that is all.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

#### OSAGE INDIAN AFFAIRS.

Mr. JONES of Arkansas. I submit a resolution and ask for its immediate consideration.



The resolution was read, as follows:

*Resolved*, That the Secretary of the Interior is hereby directed to inform the Senate whether the statement made in the memorial of the Osage Nation of Indians to the Congress of the United States and printed in Senate Document No. 113, as follows: "The United States agent has wrongfully assumed the right to collect, and is collecting, the tax charged under Osage laws upon white persons coming into the Osage country (called permit money), and refuses to allow the same to be paid to our national treasurer or to account to him therefor. In fact, the Secretary has by the orders referred to abolished the office of Osage national treasurer; has taken possession of his office building, safe, and vaults, and turned same over to a private banking concern composed of white men, and all this without the consent of the Osage council or tribe," is true, and if so, to state by what authority of law these things have been done, and also what persons constitute the "banking concern composed of white men" to whom the "office building, safe, and vaults" have been turned over.

Mr. PLATT of Connecticut. Let the resolution go over. I should like to examine it.

The PRESIDENT pro tempore. The resolution will go over until to-morrow, under the rule.

#### SUNDAY SESSION FOR MEMORIAL ADDRESSES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from the previous day, which will be read.

The Secretary read the resolution submitted on the 18th instant by Mr. CHANDLER, as follows:

*Resolved*, That the various memorial resolutions concerning deceased members of the House of Representatives, the consideration of which is fixed for Saturday next, be considered at a session of the Senate to be held for that purpose only on Sunday next at 1 o'clock.

Mr. CHANDLER. I ask that the resolution may be left on the table subject to be called up. I do not care to keep it in its present position.

The PRESIDENT pro tempore. The resolution will lie on the table subject to the call of the Senator, if there is no objection. The Chair hears none.

#### LETTERS OF JEFFERSON ON CUBAN ANNEXATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. HANSBROUGH on the 18th instant, as follows:

*Resolved*, That the Secretary of State be, and he hereby is, directed to send to the Senate copies of letters written by Thomas Jefferson to President Madison and President Monroe concerning the annexation of Cuba.

Mr. HALE. Let the resolution go over, holding its place.

The PRESIDENT pro tempore. Without objection, it will go over, holding its place.

Mr. McMILLAN. There are two bills relating to the District of Columbia which have come back from the House, and I ask that the action of the House be laid before the Senate.

#### PROTECTION OF BIRDS AND PRESERVATION OF GAME.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McMILLAN. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. GALLINGER, and Mr. MARTIN were appointed.

#### DELINQUENT CHILDREN IN THE DISTRICT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McMILLAN. I move that the Senate insist on its amendment and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint conferees on the part of the Senate; and Mr. McMILLAN, Mr. DILLINGHAM, and Mr. KENNEY were appointed.

#### DISTRICT METROPOLITAN POLICE.

Mr. SPOONER. On Saturday the Senate passed a bill (H. R. 12456) to amend certain sections of the Revised Statutes of the United States relating to the District of Columbia as to the Metropolitan police, and for other purposes. I entered a motion to reconsider in order that I might examine the bill. I have examined the bill, and I ask leave to withdraw my motion to reconsider.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws his motion to reconsider, and the bill stands passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 3338) granting a pension to Mary A. Morton.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 2432) granting an increase of pension to James A. Thomas;

A bill (H. R. 4742) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools;

A bill (H. R. 5137) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others;

A bill (H. R. 7602) to correct the military record of Palmer G. Percy;

A bill (H. R. 8658) granting an increase of pension to Edwin G. Fay;

A bill (H. R. 10869) for the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minn.;

A bill (H. R. 11110) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River, between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Ala.;

A bill (H. R. 13635) to authorize the construction of a bridge across Little River, at or near mouth of Big Lake, State of Arkansas;

A bill (H. R. 13783) to amend section 4427, Title LII, of the Revised Statutes, relating to inspectors of hulls and boilers; and

A joint resolution (H. J. Res. 285) providing for the printing annually of the report on field operations of the Division of Soils, Department of Agriculture.

#### POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT. I ask the Senate to proceed to the consideration of the Post-Office appropriation bill.

The PRESIDENT pro tempore. The Senator from Colorado moves that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

Mr. THURSTON. Mr. President, I do not like to interfere with the consideration of the Post-Office appropriation bill, but I feel compelled to ask for the present consideration of the conference report on the Indian appropriation bill. I hope it will not lead to any general discussion, and yet I am not able to predict that that will be so.

Mr. WOLCOTT. Mr. President, I understand that the presentation of a conference report is privileged over the consideration of an appropriation bill, but if this conference report shall lead, as I am informed it will, to an extended discussion, perhaps consuming a large portion of another day, I shall ask the Senate to determine whether it will continue the consideration of the Post-Office appropriation bill or whether it shall be again suspended.

We have had the Post-Office appropriation bill before us now for four days. For three days the Senator from North Carolina [Mr. BUTLER] has had the floor endeavoring to address the Senate upon an amendment. Again and again he has given way, and the consideration of the bill has given way to other measures. I am extremely solicitous that we shall finish the Post-Office appropriation bill. It carries \$125,000,000. It must be as important for the determination of the Senate as any other bill, and as long as we are doing business it is just as well for us to do business consecutively as sporadically.

I shall ask, if the conference report leads to any continued discussion, that it may be postponed until we finish the consideration of the Post-Office appropriation bill.

Mr. STEWART. It will require considerable explanation if the report is to be adopted. It is going to lead to an extended discussion unless we can have an understanding about it.

Mr. PETTIGREW. I should like to suggest that the conference report on the Indian appropriation bill, it seems to me will be disposed of very much more quickly if it is not taken up for an hour or two, until we can examine the report printed in the RECORD. As far as I am concerned, I presume the matter may be disposed of in ten minutes if I have a chance to examine the RECORD first, but if the report is to be taken up now I shall insist on a very careful investigation of it and an explanation of it, which will probably take some time.

Mr. THURSTON. On that statement, and in the hope that the delay will lead to a speedier determination of the conference report, I will withdraw my request for the present.

The PRESIDENT pro tempore. The Chair understands that the report was submitted yesterday.

Mr. PLATT of Connecticut. It was made yesterday.

Mr. THURSTON. The report has already been made.

The PRESIDENT pro tempore. The Post-Office appropriation bill is before the Senate as in Committee of the Whole, and the pending question is on the amendment submitted by the Senator from North Carolina [Mr. BUTLER].

Mr. BUTLER. Mr. President, I should like the Senate to take up the pneumatic-tube amendment, which is a committee amendment, and dispose of it, if we may, because the other controverted questions are all cognate and we can not well discuss one without discussing all. I would prefer not to have the pneumatic-tube question, which I understand the Senator from Illinois wants to take up to-day, interposed in the midst of my remarks.

Mr. WOLCOTT. If we can go on with one or the other, I am indifferent; but when the Senator from North Carolina last had the floor he was addressing the Senate upon the subject of the railway mail pay.

Mr. BUTLER. But that has been so long ago that Senators do not probably remember anything that was said about it.

Mr. WOLCOTT. I think the Senator's words have been burned into the memories of us all.

Mr. SPOONER. We ought not to take up the pneumatic-tube question in the absence of the Senator from Illinois [Mr. MASON].

Mr. THURSTON. I was about to make that suggestion.

Mr. SPOONER. The Senator from Illinois is not here, and it would be discourteous for us to consider that proposition in his absence.

Mr. BUTLER. I had not noticed the absence of the Senator from Illinois.

Mr. WOLCOTT. I hope the Senator will go on with his speech on the subject of railway mail pay if he is ready to proceed.

Mr. BUTLER addressed the Senate. After having spoken for nearly an hour and a half.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from North Carolina will suspend while the Chair lays before the Senate the unfinished business. It will be stated.

The SECRETARY. A bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. WOLCOTT. I ask that the unfinished business be temporarily laid aside while we finish the pending appropriation bill.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be temporarily laid aside.

Mr. PETTIGREW. Mr. President, we exhaustively discussed this question four years ago, going into the question of the railway mail pay quite thoroughly. In that debate it was shown that the express companies in this country, whose service was performed upon the same train and often in the same car, paid but one-tenth per pound for carrying express matter that the Government paid for carrying the mails. The two services are very near alike. The railway mail clerk is carried by the railroad, and the express agent is carried by the railroad. They are both carried upon the same train. It was my opinion then, and it is my opinion now, that the compensation should be scarcely any, if at all, greater than that paid by the express companies for carrying express.

But there is an expenditure of nearly \$40,000,000 this year for railway mail pay, which is enormously excessive, so much so that the subsidy of \$9,000,000 a year proposed to be given to the ships is almost insignificant. This service ought to be performed, in my opinion, at any rate for not to exceed ten or twelve million dollars instead of \$40,000,000. Yet Congress goes on from year to year making this appropriation, and a majority of a committee of the two bodies report that no reduction should be made, although their own expert recommends a reduction and although everyone else, I think, who is disinterested and who has investigated the question is satisfied that their position is erroneous.

Some of the roads receive compensation for carrying the mails which is greater per mile than the interest upon the cost of the road. This, in my opinion, is true with regard to the New York Central. Figuring the interest at 4 per cent, the compensation which that road receives for carrying the mail would be the interest on over \$60,000 a mile. The Southern road receives for carrying the mail \$1,260 a mile per year, which would be 5 per cent on over \$24,000 per mile; and the Southern road can be constructed and equipped, in my opinion, for that sum.

These figures and the fact that we pay nearly ten times as much per pound for carrying the mail as the express companies pay for carrying express I think are conclusive that the report of the majority of the committee that investigated this subject is erroneous, and that there ought to be a material reduction in this service.

I will say further that as long as we continue to pay this enormous bonus—for that is what it is, this subsidy—we are not going to get a reduction in postal rates, which we ought to have, and to which the people of this country are entitled.

It seems to me that under these circumstances it is incumbent upon the committee to at least state briefly to the Senate a summary of the case which induced them to make this remarkable report.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. BUTLER].

Mr. BUTLER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 17, line 2, strike out the words "thirty-four million seven hundred thousand dollars," and insert in lieu thereof "\$33,000,000; and the Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1901, for the transportation of mails on railway routes by reducing the compensation to all railroad companies for the transportation of mails 5 per cent per annum from the rate fixed in section 4002 of the Revised Statutes as amended by the act of July 12, 1876, and as further amended by the act of June 17, 1878, for the transportation of mails on the basis of the average weight; and also to further reduce such compensation on weights in excess of 5,000 pounds daily per mile of line in accordance with the following schedule:

One per cent on roads now receiving from 16.50 cents to 20 cents per ton per mile; 2 per cent on roads now receiving from 14 cents to 16.50 cents per ton per mile; 3 per cent on roads now receiving from 12.30 cents to 14 cents per ton per mile; 4 per cent on roads now receiving from 11.25 cents to 12.30 cents per ton per mile; 5 per cent on roads now receiving from 10 cents to 11.25 cents per ton per mile; 6 per cent on roads now receiving from 9.20 cents to 10 cents per ton per mile; 7 per cent on roads now receiving from 8.80 cents to 9.20 cents per ton per mile; 8 per cent on roads now receiving from 8.40 cents to 8.80 cents per ton per mile; 9 per cent on roads now receiving from 8.10 cents to 8.40 cents per ton per mile; 10 per cent on roads now receiving from 7.67 cents to 8.10 cents per ton per mile; 11 per cent on roads now receiving from 7.34 cents to 7.67 cents per ton per mile; 12 per cent on roads now receiving from 7 cents to 7.34 cents per ton per mile, and the above amount appropriated shall cover full compensation for railway mail transportation.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. BUTLER. Mr. President, just a moment. Senators who have heard the reading of the amendment will undoubtedly think it is very technical, and they may feel as though they were not justified in voting for a measure that is so technical and complicated.

I wish to state for the information of Senators that that is, word for word, copied from Professor Adams's recommendation. It was all worked out by him. The 5 per cent horizontal reduction and then the percentage reduction was worked out by him, and is found in the testimony, part 2, page 240. Any Senator who has this report on his desk can turn and see exactly the percentages there. This amendment is an exact copy. Therefore Senators can know, if they desire to vote for any reduction, that they are voting for a carefully worked out scheme. That was the result of the careful and patient attention for a long time of Professor Adams, and is one that is recommended and indorsed by the minority of the commission.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment of the Senator from North Carolina [Mr. BUTLER].

The Secretary proceeded to call the roll.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

The roll call having been concluded, the result was announced—yeas 18, nays 51; as follows:

YEAS—18.			
Bate,	Clapp,	Mallory,	Turley,
Berry,	Culbertson,	Morgan,	Turner,
Butler,	Harris,	Pettigrew,	Wellington.
Caffery,	Heitfeld,	Rawlins,	
Chandler,	Jones, Ark.	Teller,	
NAYS—51.			
Aldrich,	Dolliver,	Kyle,	Proctor,
Allen,	Elkins,	Lindsay,	Quarles,
Bacon,	Fairbanks,	Lodge,	Scott,
Bard,	Foster,	McComas,	Sewell,
Burrows,	Frye,	McEnery,	Shoup,
Carter,	Gallinger,	McLaurin,	Simon,
Clark,	Hale,	McMillan,	Spooner,
Clay,	Hanna,	Martin,	Stewart,
Cockrell,	Hansbrough,	Nelson,	Taliaferro,
Cullom,	Hawley,	Perkins,	Vest,
Daniel,	Jones, Nev.	Platt, Conn.	Warren,
Deboe,	Kean,	Platt, N. Y.	Wolcott.
Dillingham,	Kearns,	Pritchard,	
NOT VOTING—19.			
Allison,	Foraker,	Mason,	Sullivan,
Baker,	Hoar,	Money,	Thurston,
Beveridge,	Kenney,	Penrose,	Tillman,
Chilton,	McBride,	Pettus,	Wetmore.
Depew,	McCumber,	Quay,	

So Mr. BUTLER's amendment was rejected.



The PRESIDENT pro tempore. The junior Senator from Indiana [Mr. BEVERIDGE], who occupied the chair on Monday last, when the amendment in regard to the pneumatic-tube service was before the Senate, left to the Senate the decision of the question of order which had been raised. Is the Senate ready for that question?

Mr. MASON. Mr. President, I desire to offer a substitute for the amendment, and I think it will relieve the question from any possible point of order that was made on the amendment. I want to say that I propose to strike out the clause whereby certain other legislation is repealed. The amendment would then read, on page 16, beginning with line 5:

For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, for maintenance and extension in cities having the system, and for establishing the system in Chicago, \$500,000.

I then attach to it the amendment offered by the senior Senator from New Jersey [Mr. SEWELL], and I think if I can be heard on this proposition that those Senators who have had some objection to the amendment offered by the committee will be satisfied with this:

*Provided*, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails, and shall only be made after and upon the approval of a board of three engineers, one of whom shall be appointed by the Secretary of the Treasury from the Treasury Department, one by the Secretary of the Navy from the Navy Department, and one by the Postmaster-General, who shall be some engineer known for skill and experience in such matters: *And further provided*, That all contracts hereafter to be made shall contain a stipulation that the United States may acquire by purchase any system constructed or to be constructed under such contract upon the payment to the owner of such system of the value thereof, to be determined by a board of three appraisers, one of whom shall be selected by such owner, another to be appointed by the Postmaster-General, and the third by mutual agreement, or, in case of disagreement, by the judge of the district court of the United States for the district in which such system is located. Said appraisers in determining such price shall award and determine the actual structural value of said system, considering the use for which the same was designed, and may also take into account the earning power of such system.

Then I propose to add to the amendment offered by the Senator from New Jersey this provision:

The Postmaster-General is directed to investigate and report what, if any, extra charge should be made by the Government to the citizen for the use of pneumatic tube.

It has been stated before the committee and in the Senate that, this being a special extra service, it ought to take care of itself by extra pay from those who use it. There is not enough of it as used at the present time, probably, to warrant any legislation; but this amendment instructs the Postmaster-General to report on the subject to the next Congress.

I offer the amendment which I have read as a substitute for the other amendment.

Mr. WOLCOTT. Mr. President, the point of order is raised upon the committee amendment which was printed in the bill. In the due conduct of the business of the Senate I conceive it to be the proper order that the Chair should first determine the point of order upon the committee amendment, and then, when the point of order has been determined upon the committee amendment, the amendment offered by the Senator from Illinois [Mr. MASON] would be duly considered; but the offering of a substitute for a committee amendment upon which a point of order has been made does not for a moment waive the necessity of a decision upon the point of order made concerning the committee amendment.

The PRESIDENT pro tempore. The Chair is of the opinion that an amendment can not be offered to the provision in the bill until the question of order relating to that has been settled.

Mr. CHANDLER. I suppose the question of order is as to whether those two lines are in order.

The PRESIDENT pro tempore. Whether the entire amendment is in order.

Mr. CHANDLER. Of course the appropriation for pneumatic-tube service would be in order as reported by the committee. I supposed the point of order was made by the Senator from Iowa [Mr. ALLISON] only as to the provision which proposes to repeal the existing prohibition.

The PRESIDENT pro tempore. The Chair will state—

Mr. MASON. If the Chair will bear with me for just a moment, I suppose the Senator from Iowa, inasmuch as I have made the suggestion to him, will not insist upon a vote upon the point of order on the amendment when I have tried to put it in such shape as to cover the objection he made to it. I do not understand we are to have any technical application of the rules. While the chairman of the committee did not favor the amendment in regard to the pneumatic-tube service, he did not put that branch of the bill in charge of any particular member of the committee, as I understand. I ask the attention of the chairman of the committee.

Mr. WOLCOTT. I beg pardon.

Mr. MASON. I say all I want is a vote upon the proposition which I have offered as an amendment or as a substitute for the other amendment. I am perfectly willing to concede the point

of order, and I do not understand the chairman of the committee to ask for any technical ruling for the mere purpose of having a vote upon the merits of what I propose.

Mr. WOLCOTT. There is nothing technical or exclusive about this; but the point of order should be decided by the Chair before the amendment offered by the Senator from Illinois is pertinent, and it will not in the least be prejudiced by the decision of the Chair, as I take it. The amendment will be entirely in order, and it will not be shut out from consideration, but we must first dispose of the committee amendment.

Mr. MASON. Then I do not ask to have that question submitted to the Senate. I am perfectly satisfied to take the judgment of the Chair, and then offer my amendment.

The PRESIDENT pro tempore. The Chair does not feel at liberty to determine the point of order, it having been by a previous occupant of the chair referred to the Senate for its decision. The question is, Is the amendment in order?

Mr. WOLCOTT. On that I call for the yeas and nays.

Mr. COCKRELL. Let the amendment be stated.

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. On page 16, after line 4, the Committee on Post-Offices and Post-Roads propose to insert the following:

For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, \$500,000; and all existing provisions of law prohibiting additional contracts for pneumatic-tube service are hereby repealed.

Mr. MASON. I can see no need of having the yeas and nays, as no one is making any contention as to this matter.

Mr. WOLCOTT. Then I withdraw the request for the yeas and nays.

The PRESIDENT pro tempore. The question before the Senate is, Is the amendment of the committee, which has been read, in order? [Putting the question.] The yeas have it, and the amendment is declared to be not in order.

Mr. MASON. Now I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16, after line 4, it is proposed to insert:

For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, for maintenance and extension in cities having the system, and for establishing the system in Chicago, \$500,000: *Provided*, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails, and shall only be made after and upon the approval of a board of three engineers, one of whom shall be appointed by the Secretary of the Treasury from the Treasury Department, one by the Secretary of the Navy from the Navy Department, and one by the Postmaster-General, who shall be some engineer known for skill and experience in such matters: *And further provided*, That all contracts hereafter to be made shall contain a stipulation that the United States may acquire by purchase any system constructed or to be constructed under such contract upon the payment to the owner of such system of the value thereof, to be determined by a board of three appraisers, one of whom shall be selected by such owner, another to be appointed by the Postmaster-General, and the third by mutual agreement, or, in case of disagreement, by the judge of the district court of the United States for the district in which such system is located. Said appraisers in determining such price shall award and determine the actual structural value of said system, considering the use for which the same was designed, and may also take into account the earning power of such system. The Postmaster-General is directed to investigate and report what, if any, extra charge should be made by the Government to the citizen for the use of pneumatic tube.

Mr. HALE. Mr. President, I make the point of order that the amendment is in contravention of existing law. The existing law is a provision in the Post-Office appropriation bill of last year, where, after full contest, it was supposed to be settled that there would be no extension of the then limited pneumatic-tube service outside of the limited range where it applied. To make that certain, in providing the limited appropriation for pneumatic-tube service where it existed, the provision goes on further; and in order to end this controversy, so that we might not be continually besieged by the importunities of these people, Congress declared, after giving the limited appropriation:

That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

I make the point of order that under that statute, until some law has been passed, there can be no further extension of and no further contracts for such service, and that the subject is not properly before the Senate.

The PRESIDENT pro tempore. Has the Senator from Maine just read the law which he says that would repeal?

Mr. HALE. I have read the law of last year. I will pass it to the Chair, if the Chair so desires. The provision is:

For transportation—

The Chair bearing in mind that this was at the end of a contest in which it was finally provided that the then pneumatic mail service in a limited way in certain cities should not be uprooted, both Houses having determined that it should not go further, Congress put in this provision, which was finally agreed to as the law. I read now from the act of March 3, 1900:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, \$225,000.



The attempt was made to get a much larger appropriation and larger contracts. Then to clinch and to settle this question, as I have said and as I repeat, Congress went on and enacted this provision:

*Provided, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into—*

Thus limiting that appropriation. But not content with that, Congress put on the further provision to bar out the subject until there was some law—

and no additional contract shall be made unless hereafter authorized by law.

I say that from that time until now there has been no authorization of law.

Mr. THURSTON. Mr. President, we are considering an appropriation bill where we find it necessary to appropriate a particular sum of money for a particular character of service it is always in order to limit and define by specific provision in connection with the appropriation the manner in which the appropriation shall be expended. It is difficult to find a provision in an appropriation bill where this is not done. We might have to-day a law on our statute books whereby it is provided that the mail over a certain route should be carried by wagon. Would any Senator contend that in appropriating for the next year's service it would be impossible for us, in connection with the same appropriation, to provide that that mail should be carried by railway trains? Would we, in order to change the method of the conveyance prescribed under an old appropriation, be compelled to pass a separate and distinct act outside of the appropriation itself?

The clause which Senators invoke here to sustain the point of order was passed on an appropriation bill in connection with this same appropriation. The proviso to that appropriation is as follows:

*That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into.*

So far there is no provision of law with which the pending amendment conflicts. The only provision of existing law which Senators can cite to support their contention is the addition:

And no additional contract shall be made unless hereafter authorized by law.

Suppose, Mr. President, that last year's appropriation act for the carrying of the mail had contained a provision that no further mail should be carried in the United States after the expiration of the current year without further provision of law—

Mr. HALE. I will answer the Senator. Those cases occur frequently. No appropriation committee after that would be justified in recommending the appropriation of a dollar until some law had been passed authorizing it.

Mr. THURSTON. But it is done every day and on every appropriation bill.

Mr. HALE. It is not done every day, but it is done frequently.

Mr. THURSTON. Well, it is done, I will say, at every session of Congress.

Mr. HALE. It is done frequently, but other appropriations are shut off by just such clauses as this—that there shall be no further contracts or appropriations until some law has been passed. I remember a provision came here a year or two ago where we had the control of certain rooms in this Capitol which were vacated by the Congressional Library when it was removed to the new building. A provision was put into an appropriation bill that no use and no occupation of those rooms should be permitted until further action by Congress; and the rooms stood vacant for nearly two years, until Congress itself passed a joint resolution authorizing their occupation for committee rooms. You may put a prohibition on an appropriation bill as well as on any other bill going through Congress. That was what was done in this case; and it stopped the controversy; it ended it.

Mr. THURSTON. Yes; but the Senator does not follow out the argument I was trying to make plain, that when you put that prohibition on in respect to an appropriation in the bill, you can, you do, and you properly may remove that prohibition in connection with the same character of appropriation in the next year's bill. It is not a question as to whether you can enter into a contract without some provision of law further than you have now. The question is whether you can embody that provision of law in this bill and remove, by an addition to an appropriation in this bill, the prohibition that you attached to the appropriation bill last year.

Mr. HALE. I think the Senator does not see the difference between a prohibition extending only to the terms of an appropriation and a far-reaching, continuing prohibition, that nothing shall be done until the enactment of further law.

Mr. THURSTON. Mr. President, I think I do. But take the case before the Senate. Are we prohibited under this clause in the appropriation bill from determining now whether we will appropriate money for the pneumatic-tube service for one year's use?

Mr. HALE. Clearly you are until you get some enactment by law which repeals that provision of last year. You can not repeal it on an appropriation bill, because such a repealing provision would be subject to the point of order that you would be seeking upon an appropriation bill to repeal an enacted provision of last year. Undoubtedly the Senator must get a law passed before he can do that.

Mr. THURSTON. I do not believe that is a possible construction of the rule of the Senate.

Mr. HALE. It has been so construed hundreds of times.

Mr. THURSTON. Here a duty is incumbent upon us under existing law to provide for the transportation of the mails of the United States in the most expeditious, desirable, and economical manner. You can appropriate for the transportation of these mails next year, and in your appropriation you can specify the method of transportation and the way in which that appropriation shall be expended, notwithstanding any and all existing laws to the contrary on the statute books. The only way in which the character of mail transportation is ever changed from year to year where it is found necessary to expedite the mails is by specific provisions on appropriation bills.

Mr. HALE. I think I can give an illustration which the Senator will understand, and he is very quick of apprehension—

Mr. THURSTON. The compliment is mutual.

Mr. HALE. And the Chair will at once realize it; and it is this: Suppose we put into this bill, after defeating this appropriation, or after this appropriation is agreed to, that hereafter no public money shall be expended upon the pneumatic mail service—put it in generally that hereafter no money shall be expended—does the Senator think that next year he could come in and have inserted in an appropriation bill an appropriation of \$500,000 in the face of that law we have enacted?

Mr. THURSTON. I have no doubt of it.

Mr. HALE. I am glad the Senator has come to that conclusion, because, if that is so, it is useless to put any prohibition of any kind whatever upon appropriation bills.

Mr. THURSTON. No, Mr. President, I do not look at it in that way, because, after all, it is a question for the two Houses of Congress every year, and what possible reason can there be for invoking the rule of the Senate in a case like this?

Mr. HALE. The Senator forgets that we can do it in Congress, but not upon an appropriation bill. It is declared as a fundamental rule that nothing which partakes of the nature of new legislation shall be incorporated upon appropriation bills. That does not oust Congress from its jurisdiction to legislate in a proper way upon a proper bill; but to prevent appropriation bills from being loaded down, it is provided that you can not do what the Senator is seeking to do upon an appropriation bill.

Mr. THURSTON. Mr. President—

Mr. CHANDLER. Will the Senator yield to me for a moment? Mr. THURSTON. Certainly, I will yield to the Senator from New Hampshire.

Mr. CHANDLER. I hope the Senator from Nebraska [Mr. THURSTON] will not further contest this question, because a very valuable decision has been made and a very valuable precedent has been set by the Senate, which in future years, after the Senator and I have left this body, will be the means of saving millions of dollars of public money.

The proposition the Senate have affirmed is this: That if you can once get a prohibition upon an appropriation bill, a general provision, and make it existing law, it can never be removed upon an appropriation bill.

Mr. HALE. Undoubtedly.

Mr. CHANDLER. And the removal must take place by a separate bill.

Mr. HALE. Yes.

Mr. CHANDLER. The Senator from Maine accepts that conclusion.

Mr. HALE. That is my conclusion.

Mr. CHANDLER. He says that this prohibition against further contracts, which are forbidden unless made in pursuance of law, which was put upon the appropriation bill of last year, can never be got rid of except by a separate statute. If that is true, millions of public money will be saved in years to come by the decision which the Senate has just made.

Mr. THURSTON. I imagine that on that ruling we can cut out about three-fourths of the river and harbor bill.

Mr. HALE. May I ask the Senator from New Hampshire if he does not think that is a very desirable decision to have reached?

Mr. CHANDLER. I think it is an absurd decision under the rule, but I think it will be a very valuable one to the country if the Senate will adhere to it in future years.

Mr. HALE. Let me ask the Senator whether a provision upon an appropriation bill which declares what shall be the law for the future is not just as much the law as if on a separate bill?

Mr. CHANDLER. Of course it is, and if the proposition is going to be maintained in the Senate in future years that when you



have once got a provision of law upon an appropriation bill there it stands until a separate bill removes it, you have done a great thing for the country; and I hope the Senator from Nebraska will not get in the way of such a great act of economy as the Senate has adopted to-day to govern this body in future years.

Mr. THURSTON. The proposition is this: The Senator from Maine will very well see that if the point of order is good on this it would have been good on the provision in the last bill.

Mr. HALE. Undoubtedly.

Mr. GALLINGER. But it was not made.

Mr. HALE. It was not made. Nobody made it.

Mr. CHANDLER. If the point is not good, or the provision slips through without notice on an appropriation bill, as the members of the various appropriation committees may slip them through, if without the point of order being made there is a provision of law put upon an appropriation bill, there it stands, and it can not be got rid of until there is a special act to get rid of it. I ask the Senator from Nebraska if he does not think it is worth the sacrifice in this case to have the iron rule made for the future?

Mr. HALE. It is not a new rule.

Mr. THURSTON. It might very well be, and it might afford me a great deal of pleasure and satisfaction to enforce the rule on the remaining appropriation bills at this session. But I do not believe and I will not believe, until overruled by the judgment of the Senate, that the proposition is correct that an attachment can be put to an appropriation limiting further expenditures of money for that purpose which can not be modified and changed under a new appropriation for the actual necessities of the service in a new appropriation bill.

Mr. HALE. Let me put one suggestion. Suppose upon the annual pension appropriation bill a provision is embodied that hereafter none of the public moneys shall be expended upon pensions. Does not that become a part of the general legislation of the country on that subject?

Mr. THURSTON. Until further provided by law.

Mr. HALE. Whichever way it is; no matter about that.

Mr. THURSTON. Then I insist that you could provide for that thing by law in the next appropriation bill.

Mr. HALE. You would be obliged to resort to a general pension act that would authorize pensions, because that provision would have repealed pensions, and the pensioners would be obliged to resort to a general bill, which would not be subject to the point of order, and when a general bill was passed then the Pensions Committee could report an appropriation bill.

Mr. GALLINGER. Mr. President, I have felt kindly toward the pneumatic-tube service, and I think I am on record as having voted with the friends of that system, but it seems to me very clear, inasmuch as the point of order has been made against the amendment, that it ought to be sustained. The law of last year is very specific in its terms:

And no additional contracts shall be made until hereafter authorized by law.

Mr. President, the rules of this body say that we can not legislate on an appropriation bill; that is, we can not have general legislation on an appropriation bill.

Mr. CULLOM. We did that on the last bill.

Mr. GALLINGER. If we are going to make an authorization by law, we are going to do it by legislation, and we are going to make it by legislation on an appropriation bill, which is obnoxious to the rule of the Senate. It is no excuse to say that the point of order might have been made against this provision in the act, which undoubtedly might have been done. As I recall the circumstances last year, this was a compromise. It was discussed pro and con, and this amendment, in the nature of a compromise, was accepted by both sides to the controversy, and the point of order was not made because of that fact. But it is not a good argument in behalf of the present amendment that that amendment which was obnoxious to the rule last year was not ruled out on the point of order.

Mr. MASON. I wish to correct the Senator from New Hampshire, if he will permit me. That was a part of the appropriation bill. That has been in it for several sessions.

Mr. WOLCOTT. First in 1898, left out in 1899, reinserted in 1900.

Mr. MASON. Yes. The Senator from New Hampshire wants to be fair. That was not agreed to, and I did not know that it had been reinserted. I was fighting then for the extension of this service to Chicago, as I am fighting now.

Mr. GALLINGER. I am not going to discuss the general question at all. I simply rose for the purpose of giving my opinion, which is not worth much on parliamentary matters, as I have stated, my conviction, that this is general legislation on an appropriation bill; that we are inhibited by the rules of the Senate from legislating in that way, and that if we can not get rid of this matter until we authorize it by law, which the law of last year specifically says, we can not get rid of it under the rules of the Senate

by incorporating it in an appropriation bill if the point of order is made against it.

Mr. STEWART. Mr. President, I have no doubt that this is legislation pure and simple on an appropriation bill, and I should like to call the attention of the Senate to what occurred previously in regard to this matter. There was a very long discussion, and, as the Senator from New Hampshire remarked, it was finally agreed that the appropriation should be made to pay for what had occurred and to carry out the contracts, provided there was nothing further done. It was consented to all around. Nobody objected. The very amendment presented here shows the wisdom of that arrangement. The amendment provides for letting contracts to bidders. How can that be? In the nature of things, the bidders must be confined to those who have charters from the municipal authorities to dig up the streets. That is the difficulty. It was said before this should be done, inasmuch as it could not be let by contract after public advertising and bidding, that there should be a law by which some arrangement could be made with the cities. They would have to be a party to the transaction. It is not like ordinary post routes. The General Government can not dig up the streets in cities, and consequently this can not be open to bids. The very amendment offered shows the impracticability of that and the wisdom of the conclusion arrived at in passing this law.

I am friendly to this scheme. I should like to see it utilized, or any appliance that will benefit the community, if it can be done properly; but in order to do it there must be some general law whereby the General Government will cooperate with the cities or the cities will cooperate with the General Government, and allow the streets to be dug up under some arrangement. It is useless to say it shall be given to the lowest bidder, for somebody will get a charter from the city, and he will necessarily be the only bidder, and you will have to pay him. You will get it started all over the country. The pressure will be tremendous. The people will demand that the mail be carried through the tubes. Certain individuals will get the contracts because they will have charters from the cities. Before anything is done I want to see a law whereby the cities will be brought into the arrangement and there will be some certainty about the amount that the Government will have to pay.

Mr. THURSTON. Mr. President, a great deal has been said by Senators who urge the point of order without carefully considering the rules of the Senate. There are only two rules in the Senate that refer to this matter at all. The one is the first section of the sixteenth rule, and in that it is provided:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Under that rule the appropriation need not be made to carry out existing law if it is moved by a standing or select committee of the Senate. It need not be made to carry out existing law if it is estimated for by the Department. Any one of these conditions justifies the amendment upon the bill.

Now, the further provision, and the only one, is this:

No amendment which proposes general legislation shall be received to any general appropriation bill.

That is all there is. There is not a word here that you shall not receive an amendment that changes the provisions of existing law.

It says, "No amendment which proposes general legislation." This provision here is not general legislation. You may say, perhaps, that the legislation on the last bill was. It is not an infrequent case that specific legislation changes or alters the existing provisions of general laws, but there is a clear distinction between general and specific legislation.

Mr. WOLCOTT. May I ask the Senator from Nebraska a question?

Mr. THURSTON. Certainly.

Mr. WOLCOTT. What office did that provision in the last statute serve? Did it serve any?

Mr. THURSTON. It limited the appropriation.

Mr. WOLCOTT. Suppose it had not been there, would not the appropriation have been equally limited?

Mr. THURSTON. Undoubtedly.

Mr. WOLCOTT. What purpose did it serve?

Mr. THURSTON. I admit that that provision standing there, in the absence of further legislation on this bill or otherwise, is prohibitory. I admit that; but the amendment now proposed is a special provision defining in what manner the appropriation recommended by the Department and reported by the committee shall be expended. Although it does run counter, you may say, in some respects to the other provision of the last bill, for that reason it is not contrary to the rule of the Senate.

Mr. President, the rule of the Senate does not provide that you



can not put an amendment on this bill which changes existing law. There is not a word of that kind in the book. You change existing laws every day when you pass appropriation bills, and you change them in many instances by specific provisions relating to the manner in which the appropriation shall be expended. This legislation—you may take it in its broadest sense—only defines and establishes the specific manner in which the appropriation made by Congress shall be expended, and it is a travesty on the ordinary meaning of the word to say that it is general legislation under this rule.

Mr. GALLINGER. Mr. President, just a word. I am utterly at a loss to understand the logic of my good friend the Senator from Nebraska, who contends that he can repeal an existing law without legislating. It may be logical, but I fail to comprehend it.

Mr. THURSTON. I do not say that. I can not, of course, afford to furnish a mental translation of my proposition.

Mr. GALLINGER. The Senator is not required to do that.

Mr. THURSTON. But I say this: The rule does not prohibit the changing of existing legislation. Existing legislation may be changed both by general and specific provisions of law, and the prohibition of the rule is against general legislation and not specific or special legislation on an appropriation bill.

Mr. GALLINGER. I am still at a loss to comprehend it. We have a law, and we propose to get rid of it, and if it can be got rid of except by legislation I do not see how it can be done. If this amendment is taken in its entirety, it seems to me it is clearly obnoxious to the rule on points other than the point that has been urged and debated. The amendment goes on to say that as to all contracts hereafter to be made there shall be public advertisements for proposals, etc., and then it creates a board of three engineers, to be appointed by the Secretary of the Treasury and the Secretary of the Navy and the Postmaster-General, and it provides that an investigation shall be made by the Postmaster-General.

Mr. MASON. The Senator does not want to be unfair. Those are not the things against which the point of order is raised. We want to have the same thing in Chicago that you have in Boston.

Mr. GALLINGER. I am enlarging the reasons why the point of order should lie.

Mr. MASON. You do not object to those things? I know the Senator wants to be fair.

Mr. GALLINGER. I object to them as being general legislation.

I have simply to say, Mr. President, in addition to what I said before, that this entire amendment, to my mind, is general legislation in its completest form. It proposes to repeal an existing law and then it proposes to create a commission to make an investigation, and to do several other things that can only be done through legislation. It seems to me that the matter is absolutely clear and that there ought not to be any difference of opinion, the point of order having been raised. I am not myself capable of differentiating, as the Senator from Nebraska seems to do, between general and special legislation on a proposition of this kind, and for that reason I hold to this view and I shall vote, if I have an opportunity to vote, to sustain the contention that the Senator from Maine has made in reference to the proposed amendment.

I do not care to detain the Senate. I have expressed my conviction on the point, and I shall certainly have to be converted to a different way of thinking before I can see this matter in any other light than as I have so imperfectly presented it.

Mr. CULLOM. Mr. President, I do not care to take up the time of the Senate in arguing the point of order, because I am myself in some doubt about it, but I want to speak rather upon the merits of the proposition, and if the amendment is out of order to appeal to the Senator who made the point of order to withdraw it.

The history of these appropriations I desire to give to the Senate in very brief words. The first one was in the appropriation act for 1897. It provided:

For mail-messenger service, \$1,130,000. And the Postmaster-General may, in his discretion, use not exceeding the sum of \$35,000 of this amount in the transportation of mail by pneumatic tube or other similar devices.

That was the beginning of the appropriations for pneumatic tubes, and Congress went on from year to year, and the next year the following provision was inserted in the Post-Office appropriation act:

For mail-messenger service, \$1,000,000. And the Postmaster-General may, in his discretion, use not exceeding the sum of \$150,000 of this amount in the transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise.

Then in the next year the following provision was inserted:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, \$225,000: *Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

That was in 1899. Then we went on, notwithstanding its pro-

visions, and afterwards appropriated again. In 1900 the following provision was inserted:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, \$225,000.

Now, the Senate will observe that in 1899 we had a similar provision in the Post-Office appropriation act, and yet we went on making appropriations and increasing the service.

Mr. PETTIGREW. Will the Senator from Illinois allow me? There was no increase of service. That was the amount appropriated two years before—\$225,000. There was no increase in the service, no enlargement of the service, and no extension.

Mr. CULLOM. I am under the impression there was.

Mr. WOLCOTT. Not the slightest.

Mr. CULLOM. I may be mistaken about it.

Mr. PETTIGREW. It was just a continuance of substantially the same sum, \$225,000.

Mr. CULLOM. In 1900 the following provision was made:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, \$225,000: *Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

After that, in the same act, Congress inserted the following:

For the investigation by the Postmaster-General of the cost of construction, operation, and utility of all systems of pneumatic tubes for the transmission of mail, including full details and maps and any estimates and proposals as to cost of construction, as well as the cost of stations and their operation, and all facts bearing upon the use of said tubes in connection with the mail service, to enable Congress to determine whether the service should be owned, leased, extended, or discontinued by the Government, also the cost at which the Government may acquire existing plants or necessary patents, \$10,000.

Under that the Postmaster-General made two or three sets of appointments for the investigation of this whole subject, and those committees have reported. Now, when we have a little more information on the subject, it is proposed to close down unless we pass a new law, outside of the appropriation bill, authorizing this work to go on. In the meantime here are New York, Philadelphia, and Boston enjoying the benefits of the pneumatic-tube service, and, so far as I know, it is proposed to continue them, although their contracts will shortly run out. I should like to know whether it is the purpose of the committee to make an appropriation to continue the service in the cities which have it now and refuse absolutely to allow it to be installed in any other city of the country. It seems to me it is unfair and unjust, and I appeal to the chairman of this committee to know whether he proposes to continue the appropriation for New York, Boston, and Philadelphia and refuse Chicago and other cities in the country the opportunity of having the service. I should like to have the Senator answer the question.

Mr. WOLCOTT. The bill speaks for itself.

Mr. CULLOM. Is there any appropriation in the bill for continuing the service in those cities which have the pneumatic tubes?

Mr. WOLCOTT. Last year this whole question was thrashed out, and out of the discussion last year grew the amendment upon which the point of order has been made by the Senator from Maine. The contracts were called for that existed between the Government and the companies in the cities of Boston, New York, Brooklyn, and Philadelphia, and it appeared that they all expire on the 1st of July. From the discussion it appeared evident to the majority of the Senate that some of the contracts were improvident, and in order to secure the certainty that they should not be re-enacted by the Department without authority from Congress, this particular amendment was put in. Personally, I know nothing of any proposal of any sort except those that are contained in the amendment here, but I certainly should not think it a good ground for denying pneumatic-tube service to one city because we would not give it to another.

Mr. CULLOM. Then it is the purpose, as I suppose, of the chairman of the committee and of the Post-Office Committee to continue the service in those cities where it exists and refuse it as to every other city in the country.

Mr. WOLCOTT. If the Senator from Illinois supposes that, he supposes something based entirely upon a figment of his imagination. He has no right to make such a statement. There is nothing in the bill to justify it. There is nothing in anything that has been said to justify it. The Post-Office Committee has exhausted itself when it made its report. Why does the Senator say it is the intention of the Post-Office Committee to do a certain act—

Mr. CULLOM. I make the inquiry now of the chairman of the committee.

Mr. WOLCOTT. The Senator has been already answered in the negative.

Mr. CULLOM. I make the inquiry whether it is the expectation of the chairman of the committee that the pneumatic tube will be used in New York, Boston, and Philadelphia at the expense of the Government of the United States?

Mr. WOLCOTT. I have no knowledge of it. The Senator must not say he supposes it is the intention of the Post-Office



Committee to do something, when its acts are open and patent to the Senate.

Mr. CHANDLER. Will the Senator allow me to say a word?

Mr. CULLOM. Certainly.

Mr. CHANDLER. A majority of the committee voted for the amendment which has been ruled out of order—

Mr. CULLOM. I understand.

Mr. CHANDLER. With a view to extending the existing system, and I shall support every effort to extend the system, so that there may be a tube in Chicago. If we do not succeed in getting an extension, then I think a majority of the committee, not the chairman, I believe, who will speak for himself, are in favor of continuing to use the existing tubes. But there is no formed purpose anywhere that I know of to exclude a tube from Chicago while continuing the use of existing tubes.

Mr. CULLOM. Of course, if the point of order is well taken, it will exclude every other city from getting the opportunity of placing pneumatic tubes in the city.

Mr. THURSTON. Will the Senator from Illinois permit me?

Mr. CULLOM. Certainly.

Mr. THURSTON. Does it not absolutely stop the pneumatic-tube service in all the cities of the United States?

Mr. MASON. It does.

Mr. CHANDLER. Unless a subsequent amendment shall be adopted.

Mr. THURSTON. Yes. But what difference would there be as to the subsequent amendment, so far as the point of order is concerned?

Mr. CHANDLER. I supposed on the theory that no contracts needed to be made, the money could simply be paid out for the service.

Mr. CULLOM. I suppose no law has been passed which prohibits an appropriation for the continuance of the pneumatic tubes where they now exist.

Mr. THURSTON. Unquestionably, if the point of order is good, because the contracts for their use all expire on the 1st day of next July, and their use could not be continued except by some arrangement with them, which would be the making of a contract for their use.

Therefore if this point of order is made and is enforced all along the line against this and subsequent propositions, it means to stop the pneumatic-tube service in the United States for the next year.

Mr. CULLOM. I think the Senator will find before we get through with it that the decision will be the other way—that an appropriation for New York, Boston, and Philadelphia will be regarded as being in order, while the outside cities under this provision, which provides that nothing shall be done except in pursuance of law hereafter to be passed, will not be able to get that service at all.

Mr. THURSTON. If one is out of order, the other is.

Mr. CULLOM. Mr. President, I have only another word to say. I did not understand whether the President of the Senate proposed to submit this question to a vote of the Senate or whether he proposed to decide it himself. I merely want to say that if it is submitted I hope under the circumstances the Senate will determine that the point of order is not well taken and that the cities outside of the three that will have the benefit of these tubes shall have an opportunity to have the same advantage.

Mr. THURSTON. Mr. President, on this point of order I appeal from the Senator from Maine upon the floor to the Senator from Maine as the head of a committee. I can not imagine that the Senator from Maine, if he believes his point of order is well taken, would, as chairman of the Naval Committee, report to the Senate a bill filled with general legislative amendments.

Mr. HALE. Now, Mr. President, let me say to the Senator that as chairman of the Naval Committee I have, not frequently but occasionally, reported bills that have general legislation upon them. The committee has so authorized me to do, and always with the understanding that if a point of order is raised it goes out at once. So legislation does proceed by unanimous consent.

The Senator need not refer to the last appropriation bill which I have reported, and which the Senate has passed, but in other naval appropriation bills and other bills that I have reported from the committees I represent there have been propositions of general legislation which, if they had been objected to, would have gone out, and I should have raised no question. Undoubtedly I shall continue to do that, and they will only go on the bills by unanimous consent.

Mr. THURSTON. Mr. President, I prefer to hold a better opinion of the Senator from Maine than he evidently pleads for himself. I appeal to his naval bill for the purpose not of showing that he has presented amendments here contrary to the rule, but for the purpose of showing that amendments providing the specific manner in which appropriations shall be expended have been reported by the Senator and put through the Senate on what I must believe is his theory that they are specific provisions of legislation and not general provisions of law.

Mr. HALE. Oh, no. The Senator is all wrong on this point.

Mr. THURSTON. I prefer to take the higher view of the position of the Senator from Maine, if he will permit me.

Mr. HALE. I will not interrupt the Senator, but after he is through I will say a word on this question of general and special legislation.

Mr. THURSTON. Now, Mr. President, there is a clear and well-defined line between general and specific provisions of law. If our rule meant any provision of law the word "general" would not have been used. Many specific acts of legislation, many that may be called private acts, contravene provisions of existing general law. For instance, we have a statute which provides the manner in which bridges shall be constructed across the navigable waters of the United States, and yet repeatedly special bridge bills have been passed in the Senate for the construction of bridges at particular points, providing for other and different methods of construction than those pointed out in the general law, and while these special acts for the construction of special and particular bridges at particular places are not general legislation in the sense of the word as it is ordinarily used, yet they do, to an extent, as far as that particular locality and that particular bridge are concerned, change and modify and, you may say, repeal provisions of existing law.

So, Mr. President, in an appropriation bill, in my judgment—I may be wrong—every reasonable provision specifying the manner in which an appropriation shall be used is not general legislation. Therefore I say in the naval bill presented by the Senator from Maine, where he has made an amendment identical in character with this one, that necessarily, pro tanto, changes existing law, he has not done it because his provisions were general legislation, but because they were features of legislation providing and controlling the manner in which the appropriation should be expended. On page 2 of the naval appropriation bill I find the following:

*Provided, That officers of the Navy and officers and enlisted men of the Marine Corps who have been, or hereafter may be, detailed for shore duty in China or on the island of Guam, shall receive the pay authorized by law for service on shore in Hawaii or other island possessions of the United States.*

And so, with the balance of that provision, changing to that extent existing general laws.

Mr. HALE. That is general legislation. There is no doubt about it.

Mr. THURSTON. Not in my judgment, Mr. President.

Mr. HALE. In my judgment, it is.

Mr. THURSTON. It is a specific provision, providing how the appropriation to which this is attached as a proviso may be or shall be expended. So on the next page, page 3, of the naval appropriation bill there was the following provision inserted:

*Hereafter the pay of first clerks to commandants of navy-yards and naval stations, except at Mare Island, Cal., shall be \$1,600 per annum, and of second clerks to such commandants, \$1,400 per annum.*

Now, Mr. President, if the Senator is right in the position he takes, when in one appropriation bill we fix the salaries of the clerks in the different Departments you never can change those salaries on an appropriation bill if a point of order is made. An appropriation bill in one sense of the word, where it has general provisions, is a general law. This year's appropriation bill fixes the salaries of all the officers in all the Departments in the city of Washington. If next year you desire to raise the pay of a single officer you change the provisions of existing law.

Mr. HALE. If the Senator will allow me, should we to-day provide for the organization of a new department of commerce and say that it shall consist of a secretary at a salary of \$8,000, an assistant secretary at \$4,000, and four fourth-class clerks at \$1,800, so many third-class clerks at \$1,600, so many of the second class at \$1,400, and so many of the first class at \$1,200, so many messengers at \$900, and so many laborers at \$720, that would be the existing law. That would be general legislation. It does not apply to all the Departments of the country, but it is under the body of general law. Now, the Committee on Appropriations next year could not change a single one of those salaries without the provision being subject to a point of order.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. HALE. Certainly.

Mr. SPOONER. Does the Senator contend that all existing law is general legislation?

Mr. HALE. Now, as the Senator has asked me that question, if the Senator from Nebraska will allow me—

Mr. THURSTON. Certainly.

Mr. HALE. I will state just what I understand to be the scope of this provision of general legislation. There are in the statute books that are issued every year the general laws and the private laws. Half of the general laws are limited in their range to distinctive subjects, but they are general laws and are not private laws; they are general legislation and not private legislation. But where the rule says that there shall be no general legislation on general



appropriation bills, the limitation is the same in referring to a general appropriation bill as it is to general legislation. A general appropriation bill for the Post-Office Department is not a general appropriation bill for all Departments. It is confined to that Department.

Any legislation which is not private legislation is general legislation. Otherwise, Mr. President, and I say this to the Senator from Wisconsin, who is a good lawyer, you would have very little general legislation. There are very few laws we enact that apply to the whole country or to a State. They are limited in their range, but they are general legislation. It does not follow, because it is confined to a specific subject, that it is not general legislation. The Senator will find upon the statute books of each year very few acts that are general in their application to all subjects. He will find ninety-nine out of a hundred that are specific in their application, and yet they are general legislation; they are not private legislation. There is the distinction. The House has simply used another phrase to interpret it. The change of existing law is general legislation.

Mr. SPOONER. Then the Senator means to be understood that if Congress provides in an appropriation bill that no more than 5 clerks shall be appointed in a particular bureau, the next year's Congress appropriating for that bureau can not provide that there may be 6.

Mr. HALE. Undoubtedly it can not; undoubtedly it can not.

Mr. SPOONER. That must be done by an act.

Mr. HALE. By an act. That is general legislation applicable to the Department. It is just like the illustration I have cited. Suppose we create a new department and say there shall be a secretary at the head of it with a salary of \$8,000, a private secretary at \$1,600, an assistant at so much, and make that the law. Does the Senator think that next year, without a general law, the Committee on Appropriations or any committee could report an amendment and make that salary \$10,000? Why, clearly not. And would not that law which creates a department and fixes the salaries, although it only applies to one department, be general legislation? So it would be if it was an appropriation for the clerks. The principle is the same. But the Chair is an old parliamentarian and I do not care to take up any more time on that point.

Mr. THURSTON. Mr. President, the question put by the Senator from Wisconsin, it seems to me, reduces this point of order to its real absurdity. I started to point out the various provisions the Senator from Maine reported in the naval appropriation bill which contained specific provisions governing the manner and the method of the expenditure of the several appropriations contained therein. Now, those are specific provisions of law. They are none of them general measures of legislation.

It does not do for the Senator to say that general legislation is all other legislation than private legislation. That is not the distinction. Many of our laws that are not private laws are special laws for special purposes, limited to localities—limited in such ways that they are in no wise general.

I call the attention of the Senator from Maine to the action of Congress which provided for a volume of Revised Statutes to contain all the general laws of the United States in force at the time they were revised. There is not one-fortieth, there is not one-twentieth, of the laws of the United States in force at the time of that revision contained in those general statutes. Why? Because Congress provided for a revision and a compilation of the general laws of the United States, and the vast numbers of statutes directed at specific points and for specific purposes were not embodied in the revision of the general laws of the United States.

I ask the Senator from Maine to take last year's Post-Office appropriation act. If he were directed by Congress to compile the general laws of the United States, would he embody in that compilation of general laws of the United States the provision we put in last year, that we should not contract for any further pneumatic-tube service without additional law?

Mr. HALE. Undoubtedly. I was in Congress when the last revision came up and when committees were appointed to consider the revision. The statement was made that out of all the laws that had been taken and embodied as existing laws a considerable percentage, I think nearly 25 per cent, were taken from the appropriation acts.

Mr. THURSTON. I do not dispute that at all.

Mr. HALE. They are the general legislation that was incorporated in the statutes.

Mr. THURSTON. There never was a provision of that kind taken from the laws of the United States and embodied in the Revised Statutes.

Mr. HALE. Mr. President, no board of compilation would be doing its duty if it did not put in under the general Post-Office provisions this form of legislation, that no further contract shall be made for pneumatic-tube service until further legislation. They would not put in what is the body of the Post-Office law if they did not put that in. I am glad the Senator has referred to this because it recalls what happened when the last compilation

came up. Over 20 per cent of the general law of the United States was found upon appropriation acts relating to distinct subjects.

Mr. THURSTON. I do not dispute that, Mr. President, but I do call attention to the fact that at least nine-tenths of all existing statutes of the United States at that time were not embodied in those revised general statutes, for the reason, not that they were private acts but that they were not general acts of legislation.

Mr. HALE. Every such act that had not expired of itself and was therefore nonexistent was incorporated in the revision of the laws, and there would have been great complaint if it had not been so.

Mr. THURSTON. I beg to differ with the Senator. I have had a great many years' experience in examining general statutes and the Revised Statutes of the United States, and if I had time I could point the Senator to a thousand acts of Congress that have never been repealed, that were in force and that are cited in the courts, which never found their way into the Revised Statutes of the United States.

Mr. SPOONER. Mr. President, only one word. I am inclined to agree with the Senator from Maine in one respect; but I hope the Senate never will adopt his view of this rule or these rules. To do so would be to shackle the Senate in the passage of appropriation bills. The notion that if, under existing law, a certain number of clerks are authorized to be employed in one of the Departments and it is incompetent for Congress to increase that number by an amendment on an appropriation bill, as the Senator contends, is a very startling one.

Mr. HALE. Where there is a limitation by law of the numbers we have never reported an addition without knowing that if a point of order was made it would at once be ruled out.

Mr. SPOONER. The Senator's contention further is that we have no power on an appropriation bill to increase a salary already fixed by existing law.

Mr. HALE. We clearly have not.

Mr. SPOONER. That is general legislation?

Mr. HALE. Undoubtedly. I would ask the Senator to take the opinion of the Senator from Iowa [Mr. ALLISON], who has had even longer service here.

Mr. SPOONER. I am going to give my own opinion now.

Mr. HALE. We never do that. That is fixed by law.

Mr. SPOONER. We always do it. We have never passed an appropriation bill, from the foundation of the Government, without doing it.

Mr. ALLISON. Let me ask the Senator where, for instance, a Department is organized—

Mr. SPOONER. Which Senator is the Senator asking?

Mr. ALLISON. The Senator from Wisconsin who has just made the suggestion. Suppose we provide for a Secretary of the Treasury, or a Department of Justice, and say that there shall be an Attorney-General, or a Secretary, at a salary of \$10,000 or \$8,000 per year, an Assistant Attorney-General, and so on, fixing all the salaries in a separate statute. I do not think we have ever held that we could, in an appropriation bill, change the statute which fixed the compensation of an officer. Of course we can provide for the increase of the compensation of the stated employees of the service, as, for example, we have four different classes of clerks. I hope I do not interrupt the Senator.

Mr. SPOONER. No; go on.

Mr. ALLISON. We have four different classes of clerks, who are now called first, second, third, and fourth class clerks. Now, if a Secretary of the Treasury in his estimate which he sends annually, and which he is required to send annually to the two Houses, estimates for two fourth-class clerks where there was but one before, I think we can provide in an appropriation bill according to that estimate without a change of law.

Mr. MASON. Mr. President—

Mr. HALE. There is no law that limits that, but we can not change the salary.

Mr. ALLISON. We can change the number of fourth-class clerks or third-class clerks or first-class clerks, but I do not understand that we can, if we choose, on an appropriation bill, provide that the compensation of the Chief Justice of the United States shall be \$15,000 when it is now by law \$10,500.

Mr. MASON. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. SPOONER. Certainly.

Mr. MASON. I do not wish to take the Senator from Wisconsin off the floor. I wish to call the Senator's attention to the fact that that is exactly what was done in this case. The Postmaster-General made a recommendation based upon an investigation which we directed him to make. We asked him to find out whether this service should be extended and upon what terms. He spent \$10,000, and he submitted to us a report covering 250 pages and gave the estimates. He makes an estimate and a recommendation for this very appropriation.



Mr. SPOONER. Well, Mr. President, I think the Senator from Iowa is partly right and I think the Senator from Maine is partly right. But when the Senator from Maine states, if I may have his attention—

Mr. HALE. The Senator shall have my attention.

Mr. SPOONER. Thanks. When the Senator from Maine makes the contention that it is incompetent for the Senate under this rule to increase a salary fixed by law on the theory that it is general legislation, I think it is impossible for him to sustain it.

Mr. HALE. Now, do not—

Mr. SPOONER. And, Mr. President, there have been many instances during my short service in this body not only where such increases have been granted, but there have been instances where the point of order has been made by the Senate, and it was overruled once and once it was withdrawn by the Senator.

Mr. HALE. Let me ask the Senator a question. The law clearly provides that the salary of the President of the United States shall be \$50,000 a year. Does the Senator think that upon an appropriation bill a committee of appropriations could report an amendment, not subject to a point of order, on the ground that it is not general legislation, that the salary of the President shall be \$100,000?

Mr. SPOONER. The salary of the President was increased from \$25,000 to \$50,000 on an appropriation bill.

Mr. HALE. I do not know how it was done.

Mr. SPOONER. It was done on an appropriation bill.

Mr. HALE. No point of order was raised.

Mr. SPOONER. That is because it was so unanimously done.

Mr. HALE. I ask the Senator, right on that point, does he not think that the act to fix the President's salary at \$50,000 is general legislation? I ask the Senator that question.

Mr. SPOONER. Perhaps so.

Mr. HALE. Then the act fixing the salary of the Vice-President would be the same?

Mr. SPOONER. Admit it.

Mr. HALE. Then of the Chief Justice?

Mr. SPOONER. I admit that, for the sake of argument.

Mr. HALE. Then of the Secretaries? I want to see where the Senator will draw the line. Then of the Assistant Secretaries?

Mr. SPOONER. I will send for the Blue Book.

Mr. HALE. I am going to run the Senator right down through and see wherein he draws the line that it is not general legislation.

Mr. SPOONER. I will draw the line here. I will give an illustration of what I mean. The consul at Liverpool has a fixed salary, does he not? The consul-general at Frankfort has a fixed salary. The salary is fixed by law?

Mr. HALE. I can not tell the Senator now without looking. There are certain salaries that are not fixed by law that are only fixed in the appropriation act for the year. Whether the salary of the consul at Frankfort or the other consul's salary is fixed by the general law which was enacted more than twenty years ago—the Orth bill—I do not know. But any salary that was fixed in a general law establishing consular service can not be changed by the Committee on Appropriations if anybody makes a point of order. Some of the consulates were not included in that act, but those that were the Committee on Appropriations can not touch. It can recommend a change and report it, but if a Senator rises and invokes that law and shows that by that law the salary was fixed, it is just as if it was a Presidential salary.

Mr. SPOONER. A great many times within my knowledge, where it has been estimated for by the Department, it has been held by the Senate to be in order.

Mr. HALE. No; not where the point of order has been made.

Mr. SPOONER. Yes; where the point of order has been made.

Mr. HALE. Not where the point of order has been made that it changes the legislation that fixed the salary. Of course there are certain things, an addition, new matter, matter not touched by law, which can be recommended by the Secretary or by a committee; but general legislation can not be touched either by a committee or by the Department that makes the estimates. There is the distinction. We have always held and I do not mean to say it is not contravened, because we do a great deal here in the Senate by unanimous consent. Points of order are not made and it passes sub silentio; but if anybody made the point of order it went out. The Senator from Iowa has stated it just right.

Mr. SPOONER. I am not referring to cases which were passed sub silentio. I am referring to instances in which the Senator himself made the point of order where the compensation was fixed by law, and it required law to change it; and the point of order being made, when it was shown that the appropriation was estimated for by the Department, the Senator has withdrawn the point of order and conceded that the amendment was in order.

Mr. HALE. I have no recollection of anything of that kind where the law fixed the compensation.

Mr. SPOONER. Several times the Senator has consented to put in such amendments, and then politely and kindly dropped them out in conference.

Mr. HALE. If the Senator says he has invoked me, in his seductive way—an art in which he is a past master—and that he has seized and importuned me to give up and to yield to his enticing ways, I grant it; but I have not countervailed the law.

Mr. MASON. I hope the Senator from Wisconsin will use his enticing ways in my behalf. [Laughter.]

Mr. SPOONER. I understand the Senator from Maine to be a past master in the art himself.

Mr. CHANDLER. I should like to ask the Senator from Wisconsin whether, in reference to this class of items increasing compensation, he has never made a point of order upon them that they were general legislation?

Mr. SPOONER. Never.

Mr. CHANDLER. But always on the ground that they were not proper?

Mr. SPOONER. Always; and oftentimes amendments have been ruled out here upon a point of order, but when it appeared that they had been reported by order of a standing or select committee they were admitted to be in order.

Mr. HALE. Not to change existing law.

Mr. SPOONER. We change existing law in almost every line of every appropriation bill.

Mr. WOLCOTT. Will the Senator permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. WOLCOTT. Of what force and effect was the prohibition in the law of last year that no further contracts should be entered into? Did it have any force or effect whatever?

Mr. SPOONER. Yes.

Mr. WOLCOTT. The law prohibited the entering into any further contracts until it should be changed?

Mr. SPOONER. Yes.

Mr. WOLCOTT. Had that provision not been there, would not the Department have been equally prohibited from entering into any new contract?

Mr. SPOONER. I think so; but in this case they entered into the contract without authority of law.

Mr. WOLCOTT. No, they entered into the contract with authority of law; but we put in a provision that they should not enter into any other contract except by authority of law. Did that mean anything?

Mr. SPOONER. Yes, it means this: That until we change the law they shall be bound by the law.

Mr. WOLCOTT. Would they not be prohibited from entering into another contract without that law?

Mr. SPOONER. If we appropriate \$200,000 for pneumatic-tube service in New York and Philadelphia and prohibit the Postmaster-General from establishing that system in any other city, I think that does not preclude the Senate another year, if it sees fit to do so, to increase the appropriation and to extend the operations of the service.

Mr. WOLCOTT. But if you had not put that prohibition in the law, would not the Department have been equally prohibited, as it was prohibited then, in the opinion of the Senator? Is it not a fact, then, that the prohibition means nothing?

Mr. SPOONER. I do not understand that the mere fact that an amendment, if adopted, changes the existing law makes it general legislation under the first clause of Rule XVI. We change existing law in almost every line of every appropriation bill, or on every page. We always have done so; and it is in contemplation of the rule that it may be done, taking the rule as a whole.

Mr. HALE. Here is a bill for—

Mr. SPOONER. The Senator will permit me just a moment.

Mr. HALE. Certainly.

Mr. SPOONER. The rule provides that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law—

To carry out the provisions of some existing law—

or treaty stipulation or act or resolution previously passed by the Senate during that session—

The rule does not end there by any means.

Mr. HALE. Read the next clause.

Mr. SPOONER. It proceeds:

or—

The disjunctive—

unless the same be moved by direction of a standing or select committee of the Senate—

Nor does it end there. There is another disjunctive—

or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. HALE. The other provision—the one which prevents general legislation on appropriation bills—is the one that cuts off this amendment.

Mr. SPOONER. When the Senator says that, he begs the whole question.

Mr. HALE. Oh, no.

Mr. SPOONER. I am not willing to admit that simply because an amendment changes existing law it is general legislation and therefore not in order on an appropriation bill.

Mr. HALE. The Senator, in my view, will find very little existing law, aside from the private and special acts, that is not general law. We make these distinctions in the volumes of the statutes, and we have done so for a number of years. There is a volume, part of which is devoted to general legislation and a lot of it is devoted to special legislation, which is limited in its range. As I have instanced, take the provision that the President's salary shall be so much.

That only applies to one man out of 75,000,000, and you may say it is not general legislation, as it applies to but one man. If it had applied to a clerk in a Department it would have been just the same, and nobody would pretend that we could, without being subject to the point of order, change that provision by an amendment on an appropriation bill because it was not general legislation. The Senator will find that he can not draw the line if he undertakes to say what is general and what is not general legislation, for he will find hardly any general legislation in the statutes.

Mr. SPOONER. And it has not always been easy for the courts to draw the line between general and special legislation, but they have done it. There is a long line of decisions drawing the distinction between the two. This phrase "general legislation" is not limited in its use to this rule. It is in a great many State constitutions, and it has been passed upon a great many times by a great many courts in the country.

Mr. HALE. Does it not say "general appropriation bill?"

Mr. SPOONER. What does that mean?

Mr. HALE. It does not mean all appropriation bills; it means appropriation bills applicable to particular Departments; and the term does not apply to anything else but the general appropriation bills. Any provision of law which deals with the management of a particular Department in a general appropriation bill is general legislation, and it is a general appropriation. The words "general legislation" in the rule are used advisedly.

Mr. SPOONER. In other words, because an appropriation bill covers all the items relating to a particular Department or subject, every item in it is general legislation? Is that the Senator's argument?

Mr. HALE. Every item of legislation, undoubtedly.

Mr. SPOONER. No; every item in it.

I think the Senator from Nebraska [Mr. THURSTON] is right, that Congress has jurisdiction to enlarge the appropriation for the pneumatic-tube service, if you please, and that it is not general legislation; nor is it general legislation for Congress to enact the manner in which that provision shall be executed. Congress may throw restrictions around it; Congress may say that a particular work to be done in pursuance of appropriation shall be open to competition; Congress may require reports as to the expenditure of money from the Departments. That is not general legislation. If Congress make appropriations for pneumatic tubes in the large cities of the country, has it not power, in adding appropriations for that purpose, to extend the service to another city in the country? It seems to me to be almost an absurdity to maintain the contrary.

Mr. HALE. Suppose that Congress should enact a statute providing for the Government building a street railway in Chicago, would not that be general legislation?

Mr. SPOONER. The Senator argues in a circle.

Mr. HALE. No; I am giving an illustration.

Mr. SPOONER. The same old illustration.

Mr. HALE. I ask the Senator—

Mr. THURSTON. If the Senators will permit me, I will say that when Congress provided for the compilation of the general statutes of the United States there was on the statute book the act incorporating the Union Pacific Railroad Company and all of its amendments; none were embodied in the Revised Statutes.

Mr. CHANDLER. I wish to ask the Senator a question apropos of the inquiry made by the Senator from Maine [Mr. HALE].

Mr. SPOONER. Certainly.

Mr. CHANDLER. Suppose there were upon the statute book an appropriation act containing a provision that no street railway should be constructed in Washington without the further consent of Congress; suppose that Congress at the next session authorized a street railway to be built in the city of Washington; and suppose the authorization contained a provision that the provision of the previous law enacted should not apply to that railway, would that be general or special legislation?

Mr. HALE. I can answer the Senator right there. There is a volume, with which we are all familiar, which contains the laws appertaining to the District of Columbia not found in the Revised Statutes. The Senator will find in that volume that just such an act as he has instanced is put in under the general laws applicable to the District. It is considered general law; otherwise there would be no general law in the District. Everything

relating to street railroads is general law in the District of Columbia. In that volume—I have looked at it time and again—all those things are written as general legislation. Then there is some private legislation for persons and individuals. That is another thing.

Mr. SPOONER. The question of whether a law is general or special is not dependent upon—

Mr. PETTUS. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. PETTUS. I desire to add to the objection which has been made to this amendment; and so I call the Chair's attention to the second clause of Rule XVI, which provides that amendments to general appropriation bills shall not be in order unless referred to the Committee on Appropriations. As I understand it, this particular amendment has never been submitted to any committee.

Mr. SPOONER. Mr. President, as I understand, the question of whether legislation is general or special does not depend at all upon whether it is found in general laws or private laws, or whether the laws are bound altogether by themselves. I can not see for the life of me that the Senator from Maine can be correct in his contention.

Mr. WOLCOTT. May I ask the Senator a question, following up what the Senator from Alabama [Mr. PETTUS] has said, and that is, Does the Senator from Wisconsin think this question is at all affected by the fact that this amendment has not been reported by any committee?

Mr. SPOONER. That would be a different point of order.

Mr. WOLCOTT. But does not the Senator think the general question would be affected by that?

Mr. SPOONER. That is not the point of order which has been made, nor the point of order which I am discussing. That would be a different proposition altogether.

The Senator from Colorado says this subject was all thrashed out at the last session. So it was, but the attitude is not the same now as it was last session. In the Post-Office appropriation bill at the last session we directed this investigation to be made by the Postmaster-General, and directed him to report to Congress. He has done so and he has reported in favor of the use by the Government of pneumatic tubes. Last session we were told upon this subject that it was yet in its experimental stage, that it was not fully demonstrated whether it was wise as a permanent means of letter transportation. The Postmaster-General now reports, almost with enthusiasm, that that investigation reveals the fact that it is not only practicable and useful, but that in the great cities it is indispensable.

Mr. WOLCOTT. Mr. President, I do not think the Postmaster-General says "it is indispensable." Perhaps he may say "desirable." That would be better. But, in any event, I call the attention of the Senator from Wisconsin to the fact that in 1898, when no report from the Postmaster-General was called for, identically the same clause was inserted in an appropriation bill.

Mr. SPOONER. This is what the Postmaster-General says on the subject:

In the great cities the pneumatic-tube service is too important and vital an agency of postal expedition to be abandoned. It is an instrumentality which, within reasonable limitations, has come to stay as a part of the modern system of communication. It can no more be discarded than the fast mail train. To strain every nerve to save half an hour or an hour on the railroad and then to waste half an hour which might easily be saved at the point of departure or destination would be incongruous and unwise.

Mr. WOLCOTT. If the Senator is proceeding to discuss the question of the pneumatic-tube service, I hope he will go further and read from the report where the commission states that this system undoubtedly eventually ought to be the subject of Government ownership, but that it is still in the experimental stage, and not yet in a position for the Government to take hold of it.

Mr. SPOONER. I understand an amendment offered here provides for the Government acquisition of the pneumatic-tube system. It may be very well, too, and I think it probably would be well, it being a special and expensive service confined to cities, that the patrons of it should pay an extra sum for the use of it.

Mr. WOLCOTT. Undoubtedly.

Mr. SPOONER. Just as they do for special-delivery letters. But I do not quite take kindly to the notion that we are to continue the expenditure for this pneumatic-tube service indefinitely in three cities in one part of the country and exclude it indefinitely from a great city like Chicago.

Mr. LODGE. I understand the bill now cuts it out in every city.

Mr. SPOONER. I do not so understand it.

Mr. WOLCOTT. Oh, yes.

Mr. LODGE. It is gone entirely.

Mr. SPOONER. Is it to be cut out of all the cities?

Mr. LODGE. Yes; the House bill cuts it out everywhere.

Mr. MASON. Yes; if the provision goes out here, the jig is up.

Mr. WOLCOTT. Question, Mr. President.



Mr. MASON. I have waited patiently for a hearing upon this matter, and I know my colleagues do not want to deny me the right of making a statement upon the question of order, which appeals to the sound discretion of the Senate.

I want to call the attention of the Senate to the fact that you are seeking here to make a precedent that the Appropriations Committee, or any committee in charge of appropriations for the Departments of the Government, when other Senators are not watching upon the question of legislation, can slip into an appropriation bill an act which will require the dignity of a special act to repeal. If that is to be the law and the practice, we may as well delegate to the Appropriations Committee all questions of future legislation.

Mr. HALE. This provision does not come from the Appropriations Committee.

Mr. MASON. I beg the Senator's pardon. He did not quite understand me.

Mr. HALE. It comes from the Post-Office Committee.

Mr. MASON. Oh, yes; but it is the Post-Office Committee appropriating for the coming fiscal year.

Mr. HALE. The Appropriations Committee has had nothing to do with this bill, and had not last year.

Mr. MASON. I think, if the Senator will be patient, he will understand what I mean.

Mr. HALE. I am very patient.

Mr. MASON. The Post-Office Committee, for the purposes of this bill, is the Appropriations Committee. The Senator, I believe, has not forgotten that some of the younger and newer members of the Senate, feeling some years since that the older members of the Senate were working too hard for their salaries, asked to divide the labor and responsibility with them, and you gradually are giving part of the labor and responsibility to some of the other members of the Senate. But still there seems to be a disposition to claim a monopoly of legislation in "the best thought of the Senate."

Mr. HALE. We thought that the reproach which had been visited entirely on the Committee on Appropriations would afterwards be divided among those other committees to whom appropriation bills were given, and a similar provision last year and this provision this year have come from one of those committees made up of the younger men of the Senate who asked to take a part in the control of appropriation bills. It is hardly fair, therefore, for the Senator to indulge in all those old flings against the Appropriations Committee, which has nothing to do with this bill.

Mr. MASON. I am speaking of the Post-Office Committee as one of the appropriation committees, for it appropriates for the railway mail pay and all other expenses of the postal service.

What I was saying was that if this Senate to-day are to vote that it will take a special act hereafter to repeal whatever may be slipped into an appropriation bill, you are establishing a precedent that will be exceedingly dangerous in the future, because some of the distinguished statesmen who manage appropriation bills are farseeing and forethoughtful as to what some of the people in some communities may want; and it will be only necessary at a time and place, and under circumstances where the attention of the Senate is not attracted to a subject, to insert such prohibitions as will absolutely prohibit any legislation in the future.

Take the very case here. This provision has been in once or twice; appropriation bills have been passed with it and without it. Last year there was a provision, which we put into the Post-Office appropriation bill, on the question of canceling machines. We could not buy them, but we had to rent them, notwithstanding the fact that the committee knew we were paying, every twelve months, for the rent of the machine more than twice its value. I do not remember the amount exactly; but I think we spent something like \$140,000 for the rent of canceling machines. This year we insert the word "purchase." Last year the law was that you could not purchase those canceling machines. It is a specific law addressed to a specific thing. Last year we said, in substance, "You can not buy any canceling machines;" to-day, in this bill, we say—and no one dreams of raising the point of order against it—that you can buy and that you may buy, and that it is within the discretion of the Postmaster-General.

Last year we said no further extensions of contracts for pneumatic-tube service should be made. I stood here fighting for the city of Chicago, that city which belongs to this country, that city where the mail service will receive a greater benefit and a cheaper benefit than has ever been given before. I have offered an amendment here, and am willing that it shall be enacted into law, that no contracts shall be made in Chicago exceeding 50 per cent of what has been paid heretofore for the same service in other cities. But there is a disposition here to keep the pneumatic-tube service out of the city of Chicago. Unfortunately, I myself seem to have excited some of my friends on this side of the Chamber, and they appear to be willing to make points of order, although it is not considered usual or customary by many Senators to do so. First one and then another makes the point of order that we are to go

on with this service in the East, but that we must not have it in Chicago.

As I said to the Senate before, I am willing to have \$80,000 to establish that plant there. I am glad to have the Government own it. This amendment provides that the Government may own it, paying only an agreed price, to be fixed by arbitration. I am asking only what is fair as to the ruling on the point of order.

Mr. WOLCOTT. May I ask the Senator from Illinois a question?

Mr. MASON. Yes.

Mr. WOLCOTT. I understand the Senator to say that the people of Chicago were unanimously in favor of having this service; that practically there are great demands for it in Chicago. I am right, am I not?

Mr. MASON. Undoubtedly. I have a petition here signed by every banker—

Mr. WOLCOTT. Everybody wants it—

Mr. MASON. And every business man, representing the whole city.

Mr. WOLCOTT. The city of Chicago is to be enormously benefited by it, and demands it because Eastern cities have it, the people of the country to pay for it; and in the estimate of the company which proposes to build it, of the expense which the Government is to pay, is the following item:

City of Chicago, 5 per cent tax on gross income, \$11,000.

This is exclusively a governmental service for the privilege of benefiting the city of Chicago, and the company estimates that we shall be required to pay them \$11,000 a year. I ask the Senator if that is to come out of the \$80,000 which he now proposes to accept?

Mr. MASON. Certainly; there is no doubt about that. If the city of Chicago had the authority and the power—and it has been suggested by the chairman of the committee, who always has new suggestions for the purpose of delaying and for the purpose of defeating a proposition, that Chicago is to have this service; I do not know whether the suggestion was made on the floor or not, but I think it was—if the city of Chicago had the authority and the power to own this system, I would be satisfied with that. I am willing that the Government should own it, but I trust the Postmaster-General, and I believe that he will to do what is right. He has made this investigation; he has reported to us and made an estimate of the amount necessary to maintain the pneumatic-tube system that is already in service and to extend that service to the city of Chicago.

This proposition was born upon an appropriation bill. There has been no legislation upon the subject except upon an appropriation bill. No special law upon this subject has ever been enacted in this Senate, except upon appropriation bills, and to say that you could put on an appropriation bill last year the mere regulation of a Department, which lifts it to the dignity of a general law, and that you can not repeal this year upon an appropriation bill what you passed last year, is an absurdity upon its face.

Mr. President, I ask only this: Let us have a fair chance to see whether the Senate or whether the people of the United States represented here intend to give Chicago what some cities in the East already have. I assume that you all believe the Postmaster-General's statements. I assume that you all believe the statements made by the Assistant Postmaster-General. I assume that you all believe the statement I have made here, that there is not an expert in the United States, from the Postmaster-General down to the youngest and most inexperienced man who has been called before that commission, but who testified to its utility and to its almost absolute necessity.

What I am fighting for here, Mr. President, is to show that if this system is to go on it ought to be extended to that city, which handles more mail than any other; and that it will be a convenience not only to the city and citizens of Chicago, but to every one in the United States.

Mr. HALE. But the system is not to go on.

Mr. MASON. I understand, if the Senator has his way, it is not to go on; and there is nothing else in the world that would go on, except the naval appropriation bill, if the Senator had his way all the time.

Mr. HALE. There are some things in that bill that I am not very much in love with. The system will not go on, because the act of last year cuts it all off.

Mr. MASON. If the point of order should be sustained, no new contracts can be made. We shall have to abandon the pneumatic-tube service, a service which is the marvel of this age. It would be like going back again to the days of the stage driver, and saying that people ought not to be carried by steam because it is dangerous and it will deprive the stage driver of his employment. I say we ought to stand by the Postmaster-General. We referred it to him to decide for us upon the question of utility and practicability. We left it in his hands. In this report, he not only recommends a continuance of this service at reduced rates for New York and elsewhere, but he recommends its extension to other

cities. I have asked in my amendment an extension of it to the city of Chicago.

I want to say before I sit down that the question on the point of order is simply whether the Senators who happen to be on the Appropriations Committees can insert in an appropriation bill any provision which goes merely to the rule and control of a Department, which can never be repealed by the same form of legislation by which it was put upon the statute books, but we must have a special act passed. If that were carried to its legitimate conclusion, as shown by the Senator from Wisconsin [Mr. SPOONER], you could not increase the number of clerks or the pay of clerks in a Department without a special act.

Mr. PETTIGREW. Mr. President, I think the history of this appropriation shows that the contracts were formerly made without authority of law. We entered upon this pneumatic-tube service in the appropriation bill for 1899. The Committee on Appropriations discussed this matter quite thoroughly, and although \$225,000 was appropriated for this service, that committee placed a provision in the bill which prohibited the making of future contracts unless authorized by law. It came from the committee and was discussed in the Senate and adopted. When the conference committee met upon the Post-Office appropriation bill of that year the House objected that this provision would prevent the extension of this service in the future upon an appropriation bill.

The Senate conferees insisted that they had placed it there for that purpose; that this service was of uncertain utility; that the price the Government was paying was enormous, it being 20 or 25 per cent upon the cost of the plant, and I think even much more than that. We contended that if it ultimately proved to be a matter of utility, the Government ought to own it rather than allow people to put the plant into the Government post-offices and furnish the service for us.

I think the same position is tenable to-day. If the pneumatic tube is something we ought to have, then the Government ought to own it rather than build up a corporation with a capital of two or three hundred million dollars for the people of this country to pay interest upon. It is true we have the system in three cities, and it is contended that Chicago wants it. The facts of the matter are that the inventors and the owners of these patents have gone to Chicago, formed a company of Chicago citizens, and they want to put up this plant because they propose to rent it to the Government for 20 per cent of its cost. No wonder they want to do it. They are active men. They have been here year after year lobbying. They are here to-day to get through this appropriation so that they can put in this plant and can make 20 per cent upon the money they invest.

I say the more you show that this system is of utility, the more you show that we ought to use it, the more proof you furnish that we ought to own it and that we ought not to extend these contracts. It is not the city of Chicago that is here. It is a corporation which has been organized to profit, as the New York corporation has profited, by an investment that will pay it five or six times more than it ought to get out of the Treasury of the United States. These active men, at Chicago when Congress is not in session, here when it is, are the persons who are pushing this matter for Chicago. Of course they say to the business men of Chicago "this is a good thing," and the latter sign petitions and pass resolutions, importuned by their own citizens, who are undoubtedly gentlemanly fellows. They say "it does not cost Chicago anything. The Government will pay for it. Therefore you ought to help us to persuade Congress to put it in;" and this is the influence, and not the business interests of Chicago, that is behind the matter.

The saving is almost infinitesimal. It is a few minutes. These tubes carry only first-class mail. They do not carry the great bulk of the mail. They do not carry newspapers, because the tubes are too small. Other inventions have been made by which tubes of 24 inches are to be used, which they claim by a different method will carry the mail, sack and all, and in my opinion it is better than this invention. Neither one should be used unless the Government owns it and puts it in at the lowest possible cost.

There is not a city in the United States, if this is a good thing, which will not give the United States for nothing the right to dig up its streets, put in the tubes, and exempt the property forever from taxation. I think on the merits of the case the proposition is weaker than on the point of order.

Mr. THURSTON. Mr. President, I will detain the Senate just a moment or two. In closing against the point of order I wish to call the attention of the Chair and the Senate to the fact that there is not a provision in this amendment which constitutes general legislation, if we read each provision by itself; that every provision in the proposed amendment describes the manner and means in which the appropriation shall be expended. I will say here the appropriation itself is not general legislation. The first proviso—

Provided, That all contracts hereafter to be made shall first be advertised publicly, etc.—

contains only the specific provision for the expenditure of the appropriation. The second proviso contains only provisions that certain stipulations shall be inserted in the contracts under which the appropriation is to be expended. The last part of the amendment refers only to an investigation to be conducted by the Postmaster-General in connection with the expenditure of the appropriation.

Then we come right back to the broad proposition, and it is the only one they make, and that is, that on appropriation bills you can not supersede the operation of existing law. Suppose, on your appropriation bill last year or this year, you put a provision in regard to seeds, that hereafter and forever no appropriation shall be made for the purchase of seeds, and on the next appropriation bill you appropriate for seeds. It is simply absurd to say that the new appropriation is general legislation or that it contravenes the rule of the Senate because it conflicts with the provisions of the prior appropriation bill.

The PRESIDENT pro tempore. The Chair has a decided opinion as to the point which has been raised, but the point of order on the committee's amendment having been submitted to the Senate for its decision, the Chair submits this point to the Senate. Is the proposed amendment in order?

Mr. WOLCOTT and Mr. MASON called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL]. I will take the liberty of transferring the pair to the Senator from Kansas [Mr. BAKER] and will vote. I vote "yea."

Mr. TALIAFERRO (when his name was called). I have a general pair with the Senator from West Virginia [Mr. SCOTT].

The roll call was concluded.

Mr. MONEY. I am paired with the Senator from Oregon [Mr. MCBRIDE], but I suppose pairs will not be observed on a question of order, and I will vote. I vote "yea."

The result was announced—yeas 55, nays 16; as follows:

#### YEAS—55.

Allen,	Depew,	Lindsay,	Platt, N. Y.
Bacon,	Dillingham,	McComas,	Pritchard,
Bard,	Dolliver,	McCumber,	Proctor,
Bate,	Elkins,	McEnery,	Quarles,
Butler,	Fairbanks,	McLaurin,	Sewell,
Caffery,	Foster,	McMillan,	Shoup,
Carter,	Frye,	Mallory,	Spooner,
Chandler,	Hanna,	Martin,	Sullivan,
Clapp,	Hansbrough,	Mason,	Thurston,
Clark,	Harris,	Money,	Tillman,
Clay,	Heitfeld,	Morgan,	Turner,
Culbertson,	Hoar,	Nelson,	Vest,
Cullom,	Kearns,	Perkins,	Warren.
Deboe,	Kyle,	Platt, Conn.	

#### NAYS—16.

Allison,	Hale,	Lodge,	Teller,
Berry,	Hawley,	Pettigrew,	Turley,
Chilton,	Jones, Ark.	Pettus,	Wetmore,
Gallinger,	Kean,	Stewart,	Wolcott.

#### NOT VOTING—17.

Aldrich,	Daniel,	Penrose,	Taliaferro,
Baker,	Foraker,	Quay,	Wellington.
Beveridge,	Jones, Nev.	Rawlins,	
Burrows,	Kenney,	Scott,	
Cockrell,	McBride,	Simon,	

So the Senate declared the amendment to be in order.

Mr. HALE. Mr. President, I make the further point of order that under Rule XVI the amendment is not in order, it increasing an appropriation upon the bill, not being estimated for by the Department or reported by a standing committee of the Senate.

Mr. MASON. It has been estimated for by the Postmaster-General in his report, and I will find it for the Senator in just a few minutes.

Mr. HALE. That is not an estimate.

Mr. MASON. The Postmaster-General is the head of a Department.

Mr. LODGE. That is not an estimate.

Mr. CHANDLER. Whether that is so or not, the Committee on Post-Offices and Post-Roads, by a majority vote, reported the \$500,000 proposition. That amendment went out by reason of the proviso. Now, I submit to the Senator from Maine that, the committee being in favor of having this subject submitted to the Senate, he ought not to make this point of order. It will only be necessary, I think, to have a meeting of the committee to-night or to-morrow morning, and if a majority remain of the same opinion the \$500,000 amendment will be reported again, and it will only delay action upon the bill, which may possibly be concluded to-night if the Senator withdraws his point of order and brings the Senate to a direct vote upon the question whether it wants to pass the amendment which has been, by such a decided vote of the Senate, declared to be in order.



Mr. CULLOM. I hope, unless the Senator from Maine withdraws the point of order, that the committee will meet and bring in the amendment in the regular way.

Mr. HALE. I am thoroughly opposed to this gigantic lobbying enterprise, which was smitten in the teeth at the last session and apparently ended by the provisions adopted by both Houses and which became a law, that not only should it not be extended, but that all contracts in the cities then existing should cease. We thought we could rest from the importunities of the men who are behind this matter and who are filling the corridors of the Capitol and the streets that lead to our residences and importuning us early and late to embark in this job, which is almost limitless when once started. Therefore I shall not refuse to avail myself of every opportunity to stand in the way of this scheme, and I make the point of order.

Mr. MASON. Mr. President, the distinguished Senator from Maine has, as usual when he is disappointed and when his point of order is smitten in the teeth, as he described the conduct of the Congress two years ago, availed himself of technicalities which would be excusable considering the feeling he has in this matter. But his statement that there is a job in this is an acknowledgment that he is absolutely devoid of information and an insult to the Postmaster-General and to everyone who favors the extension of this system to the city of Chicago. If the streets that lead up to the Capitol and to our houses are lined with people, I have not seen him. If the Senator has seen them and they have annoyed and vexed him, that is no reason why he should stand in the way of a legitimate and progressive system for the transportation of the mails of this country. Can there be a job in a proposition which has been submitted to the Postmaster-General by Congress, when the Postmaster-General called to his aid every skillful man in his Department for advice and information? I feel sure that the Senator's outburst in regard to jobs and lobbyists does not come from any intention on his part to be unfair, but simply that he may display his lack of information upon this subject. If he will be kind enough to stay in the Senate Chamber, I will inform him by reading to him or having read from the desk what the Postmaster-General says about it.

How can there be any job in a proposition to give to the city I represent in part the same opportunities that Boston has for the transportation of mails, when the very proposition I make is that everything they purchase for the business shall be thrown open to competition? I accepted the amendment of the Senator from New Jersey because in his prosperous manufacturing State there are those who would compete in furnishing the tubes and in furnishing this system for Chicago. It is very easy sometimes to create a stampede. It is very easy for some of us on appropriation bills to lie in the corner and stick onto the statute books of the country legislation, and then make points of order on others. It is an easy thing to say, "Of course, I have done it, but no one has been so inconsiderate and so malicious as to make the point of order against my bill." Is it an attempt, by making points of order, to filibuster against the passage of what clearly is the wish of the majority in this body, to give to the great city of Chicago the same facilities that you have and intend to keep in Boston, New York, Brooklyn, and Philadelphia? Let us see about this point in regard to the committee.

I wish the Senator in charge of the bill would hear what I have to say, as I am going to state his position. The chairman stated, I think, that he personally did not favor this amendment, and that he would not take charge of the bill upon that branch of the case. Is that right, Mr. Chairman?

Mr. WOLCOTT. I said I preferred that the friends of the amendment should present it, which they seem to have done.

Mr. MASON. Yes; I have. I am one of the friends of the amendment, and I have presented it. When I am standing here representing that branch of the committee, and a clear majority of the committee are in favor of extending this service, in favor of carrying out the recommendation of the Postmaster-General and his Department, it is the sheerest technicality for the Senator to make a point of order that the committee has not met, although there is a clear majority in favor of it, and there is nothing in the amendment as it stands now that was not recommended by the committee but that I am willing at any moment, if the Senate desires, to abandon. The Senator from Missouri asked to amend my amendment so as to extend this system to the city of St. Louis. It is still pending. I have a right to accept the amendment, if he desires to make it now.

Mr. VEST. I make the motion that the city of St. Louis be added as an amendment to the amendment.

Mr. MASON. So that it will read "Chicago and St. Louis." That is exactly in accordance with the recommendation of the Postmaster-General.

I desire to state, for the information of the Senate and to convince those gentlemen who talk about this as a job, that the Postmaster-General makes no recommendation except upon the investigation he has made, and at no place does he propose to con-

tract to pay on the actual investment beyond 5 per cent of the money invested, and that includes the use of patents and everything else. I am willing here and now to offer an amendment that in the extension of the system to the city of Chicago—and I believe the Senator from Missouri would be willing to accept the same as to St. Louis—no contracts shall be made exceeding 50 per cent of what you have been paying in Boston, New York, and Philadelphia. But that does not argue that we have been paying altogether too much. The system was new. It is like the first railroad train. It is like the first watch. It cost more to make it.

At the time they built the system in New York City they had a method of smoothing out the inside of the iron tubes, which had to be done by hand. They had no applied machinery for the purpose. Since that time machinery has been invented, so that in the manufacture of pipe alone there has been a reduction, I think, of more than two-thirds. The principal expense of the tubing itself was in the preparing of it for use in the service. I believe there is not a case on record where a point of order has been made that the committee had not recommended it when the Senate well knows that the spirit of the majority of the committee favors the amendment.

I have something new to contend with. I have something unheard of to contend with. I say it is a mere technical objection; that the only thing involved here is the extension of this system to the city of Chicago, and that the committee has reported favorably on that; and yet in a spirit of fairness and a spirit of meeting the wishes of my colleagues in this Chamber I changed the amendment to obviate every possible objection that has been made here. If my spirit of accommodation is to betray me and the interest I represent, I have something new to contend with, and I must take my time to do it. I ask the Secretary to read a few pages which show that the Postmaster-General has given attention to this matter. I ask for the reading of the letter of the report of the special committee, dated December 20, 1900, from Philadelphia.

Mr. CHANDLER. Will the Senator from Illinois allow me to interrupt him?

Mr. MASON. Yes.

Mr. CHANDLER. I should like to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New Hampshire will state his parliamentary inquiry.

Mr. CHANDLER. A point of order was made by the Senator from Maine, and the Senate refused to sustain it. Is not the amendment now in order, and can another point of order be made and another reason given; and are we obliged to go on indefinitely voting upon points of order with additional reasons given?

The PRESIDENT pro tempore. In the opinion of the Chair another point of order can be raised.

Mr. MASON. I ask for the reading of the report of the committee, beginning on page 13. I think if gentlemen will listen to the report made by the Postmaster-General they will be entirely satisfied to extend this system.

The Secretary read as follows:

REPORT OF THE COMMITTEE OF EXPERTS APPOINTED TO CONSIDER THE PNEUMATIC TRANSMISSION OF MAILS.

PHILADELPHIA, December 20, 1900.

HON. CHARLES EMORY SMITH,  
Postmaster-General, Washington, D. C.

SIR: The committee—

Mr. HOAR. Mr. President, before the Secretary goes further in the reading, which will evidently take some time, I desire to make a parliamentary inquiry. What was the question submitted by the Chair to the Senate?

The PRESIDENT pro tempore. It was whether under the point of order the amendment was in order, the point being that it was general legislation.

Mr. HOAR. What I wish to know is, whether the Chair submitted the question, which is usual—it is frequent, at any rate, whether usual or not—Is the amendment in order? If the Senate had voted "yea" on that question, I submit it would preclude all points of order, the Senate having voted that the amendment was in order. But if the Chair submitted it in the narrower form, whether the first point of order was well taken, that would be different. I desire to ask the Chair which was done.

The PRESIDENT pro tempore. The Chair did so submit it, understanding very clearly what the point was which has been raised. Before the Chair asked, Is the amendment in order? he stated the point which had been raised by the Senator from Maine as to general legislation. The reading will proceed.

The Secretary read as follows:

REPORT OF THE COMMITTEE OF EXPERTS APPOINTED TO CONSIDER THE PNEUMATIC TRANSMISSION OF MAILS.

PHILADELPHIA, December 20, 1900.

HON. CHARLES EMORY SMITH,  
Postmaster-General, Washington, D. C.

SIR: The committee of experts, appointed by the Postmaster-General to give consideration to all matters pertaining to the use of pneumatic tubes for the transmission of mail, begs leave to submit herewith the report of its investigations.



## SEC. I.—Instructions to committee.

The work of this committee was undertaken under authority of order No. 1858 of the Postmaster-General, dated December 5, 1900, as follows:

"That Theodore C. Search, president National Association of Manufacturers, Philadelphia, Pa.; R. H. Thurston, director Sibley College, Cornell University, Ithaca, N. Y.; S. C. Mead, assistant secretary Merchants' Association, New York; Alfred Brooks Fry, chief engineer and superintendent of repairs, United States public buildings, New York, N. Y.; William T. Manning, consulting engineer, Baltimore, Md.; Frederick A. Halsey, mechanical engineer and associate editor American Machinist, New York, N. Y., and Lyman A. Cooley, consulting engineer, Chicago, Ill., be, and are hereby, appointed a committee of experts to give consideration to all matters pertaining to the use of pneumatic tubes for the transmission of mail and to advise the Postmaster-General thereon, pursuant to the act of Congress approved June 2, 1900.

"Said committee will convene at Philadelphia at 2 o'clock p. m. on Monday, December 10, 1900, and remain in session for a period not exceeding ten days.

"Each member shall receive as full compensation \$250 and his necessary expenses.

"The chairman is authorized to expend a sum not exceeding \$300 for secretary, stenographer, and incidental expenses.

"CH. EMORY SMITH, Postmaster-General."

The instructions governing the work of this committee are embodied in the following clause of the Post-Office appropriation bill for the fiscal year ending June 30, 1901:

"For the investigation by the Postmaster-General of the cost of construction, operation, and utility of all systems of pneumatic tubes for the transmission of mails, including full details and maps, and any estimates and proposals as to cost of construction, as well as the cost of stations and their operation, and all facts bearing upon the use of said tubes in connection with the mail service, to enable Congress to determine whether the service should be owned, leased, extended, or discontinued by the Government, also the cost at which the Government may acquire existing plants or necessary patents, \$10,000."

The committee held its first session at No. 32 South Broad street, Philadelphia, Pa., at 2 o'clock p. m. on December 10, 1900, and proceeded at once with the work.

By direction of the Postmaster-General Mr. J. M. Masten, chairman of the committee of postal officials appointed to collect data relative to the pneumatic-tube postal service, attended the sessions of the committee with the full results of the investigations already made, and this material formed the basis of this committee's work.

## SEC. II.—Summary of evidence supplied to the committee.

The evidence submitted to this committee consists:

First. Of the several reports to the Post-Office Department by the joint committees of postal officials relating to the actual or proposed pneumatic services of the larger cities.

Second. The printed statement of the postmaster of Philadelphia and similar statements in manuscript accompanying the reports of the several joint committees, particularly New York and Chicago, regarding the pneumatic system of mail transmission and related matters.

Third. Certain tabulated data, collated from the preceding documents and other sources, which gives this committee a concise presentation of the principal facts bearing upon the question in hand.

Fourth. An exceedingly valuable mass of detailed information furnished the committee, verbally, on its demand by various representatives of the Post-Office Department.

Fifth. Information obtained by the committee by personal inspection of New York and Philadelphia plants.

Sixth. Matter descriptive of the construction actually in use for accelerated transmission, with maps and plans, supplied to the various committees and to this committee.

## SEC. III.—Summary of the reports of the joint committees.

**Boston.**—The "joint committee" advises the extension of the service to the South Terminal station, and considers possible an extension to the Back Bay office, with an alternative of renting a privilege for, say, ten minutes in each half hour, of the commercial line there operated. The new lines are advised to be made 6-inch.

The proposed rental is \$3,034 for an 8-inch line to the South Terminal, and 6-inch extensions, with \$3,300 additional if a 10-inch tube is adopted. The committee would have the figures submitted verified by experts.

Reductions are thought possible to the extent of one-half of the estimated \$25,585 for power. The business of the South Terminal station would affect 50 per cent more material than is now transferred over the line of the north station. The present cost of pneumatic transmission is stated as \$65,000, and the cost of the extended system is estimated at \$132,000, practically double. Credits against the larger figures are estimated as incidental to the use of the system amounting to \$78,000, and the difference, \$54,000, is to be charged against the accruing advantages of this method of transmission, including a probable stimulation of the postal business.

**Philadelphia.**—The "joint committee" reports the following propositions from the Pneumatic Transit Company:

(1) The introduction of seven connections, aggregating 7.657 miles, at a cost of \$114,907.93 annually.

(2) The adding of ten connections, aggregating 12.5 miles, at \$162,993.17 annually.

(3) Adding 14 connections, aggregating 19.49 miles, at \$221,617.60 annually.

It was concluded that these costs were prohibitive except in the case of the first proposition, which would affect 83.5 per cent of the total business of the Philadelphia post-office, or 87 per cent of the first-class mail originating in that city. This proposition was considered worthy of consideration. It was thought, however, that the figures submitted by the proposing contractors were probably 25 to 33 per cent too high.

It was believed that the costs should be reduced by the installations practicable within the post-office building to the extent of \$36,000, and the balance, less 20 per cent, makes a net possible saving of \$56,306.15, less \$42,128, or \$14,178.15. The 10 per cent allowance on construction account was stated to be reducible by that portion chargeable to engineering and office expenses, to licenses and royalties. It was thought that the number of operatives might be reduced one-half and a saving thus effected of \$9,100 per annum. The net cost ought not thus exceed a total of \$91,630.

Possible economies are pointed out, incidental to the use of the system, of \$99,000 per annum on the existing routes. Reduction of payments for special deliveries are advised from 8 to 5 cents. It is thought that the proposed continued charge of \$34,566 on existing plant could be somewhat reduced.

**Chicago.**—The report of the "joint committee" at Chicago indorses the local committee's report, and finds that the proposition of the Chicago Pneumatic Service Company is the most favorable to the Government of the four proposals received, and this involves the laying down of 8.78 miles of 8-inch tubes between the main office, three depots, and seven other stations. The

estimated annual payment amounts to 10 per cent on the estimated cost of construction, plus \$66,118 operating expense, a total of \$143,050.50.

The committee thought these figures substantially correct, except an estimate included of \$23,800, which was to cover cost of labor in stations. This could be probably reduced to a considerably smaller sum by utilizing the services of clerks already employed in the stations. It was thought that a 10 per cent basis on the total charge against construction account was inequitable, and it was concluded that a 5 per cent basis would be more just, reducing the annual charge as rental to \$116,989, or \$13,325 per mile. On this basis the committee thought it wise to recommend the proposed installations and anticipated a possible later reduction of charges to a total of \$100,000 annually.

Possible savings were estimated by reduction in the costs of wagon service of \$10,000 per annum, by a similar amount in costs of carriers, and by economy in reduction of railway service \$5,000, a total of \$25,000. It was advised to reduce next the payment for special delivery from 8 to 5 cents. All economies included, the net increase produced in the costs of transportation would thus be made \$30,000 per annum in Chicago by the proposed service, which increase is to be set against its manifold advantages to the public.

**San Francisco.**—The investigation at this point results in the advising of lines 2.65 miles in length, at a cost in annual rental of \$90,924, which gives a possible net outgo of \$46,311 after deductions of savings. The situation is found to be very opportune for the introduction of the system, and it is anticipated that at least one-half of the total mail transportation in the city may be carried on by this service. Eight-inch tubes are proposed, effecting further economies in the wagon transportation, clerical services, and other details of something like \$10,000. Construction of the lines planned is strongly urged by the joint committee.

**Cincinnati.**—The committee on the Cincinnati installations reported that in the opinion of its members the estimates submitted for the proposed service in that city were not approved, but that the introduction of the service was eminently desirable. The line was to be 6.61 miles in length, at a cost, as estimated, of \$636,462. The annual rental, including 10 per cent on the construction account, was estimated at \$110,731.

That committee had inspected the conditions of the service in New York and Brooklyn and in Philadelphia and Boston, and considered those installations to be satisfactory.

**St. Louis.**—The committee on this city reports as routes considered:

- (1) Post-office to Union Depot, 8 inch.
- (2) Post-office to Relay, 8 inch.
- (3) Six miles of line on Broadway, north and south, 6 inch.
- (4) Union Depot west to residence quarter, 6 inch.

The total proposed amounts to 12.78 miles of line.

The committee could not revise the construction account estimates in detail, but they were thought high. It was advised that the Department secure its own estimates independently. The total costs were given as estimated at \$576,320. The rental proposed was 10 per cent on this sum plus the cost of operating—a total of \$157,672.

Operating figures were thought correct, except as to labor, which it was thought could be reduced, by utilizing the services of clerks, by about \$18,600. The total rental, on the basis of the proposition of the Batcheller Company, reduced to meet the views of the committee, was reported as \$111,445 per annum, and this was approved.

The figures reported were found to be 34 per cent of the net profit on local business. The present cost of transportation in that city is given as \$54,352, or one-half of the above minimum estimate. Possible economies incidental to the use of the system in St. Louis are figured at \$25,000.

**New York.**—The joint committee discusses a proposition for the installation of 18 miles of new line, at a cost of \$925,000, and assumes a five-year contract. The rental proposed is \$398,500 annually for the new and the continuance of existing tube service. A mixed mail and commercial service had been suggested, but this the committee does not consider permissible. The proposition involved the connection of 21 stations and the main office. The figures of \$398,500 included all costs of operation. The reasonableness of this figure is considered to be outside the province of the committee and to be determinable only by engineering experts.

In detail this amount consists of \$138,000 for power; \$60,000 for wages of station operators; \$18,500 for local taxes, and \$184,500 for interest, renewals, and administration and incidental expenses.

The present service of 5.18 miles in that city costs \$167,100, or \$33,420 per mile, per annum. The estimates for the total extended service is stated as \$398,500 for 25 miles, or \$17,336 per mile per annum. This is 54 per cent of the present mileage charge.

Possible economies incidental to the use of the pneumatic system as proposed, as by reduction of wagon service, elevated railway service, and incidental savings, are reckoned at \$101,052; gains by stimulated correspondence and postal business, and by reductions of charges for special deliveries from 8 to 5 cents, \$24,000; by reductions of cost of delivery, \$16,000; by reduction of clerical force, \$15,000; total, \$156,052.

The net increase of costs is reckoned thus as \$75,348, which amounts to but 6 per cent of the net local revenue of the New York office. On this basis the joint committee recommends to the Department that the proposed extension be undertaken.

**Brooklyn.**—The subject was investigated in Brooklyn by a special "joint committee," which, revising the report of the local committee, approved the recommendations of the latter committee. This contemplated the construction of seven new connections, amounting to 13.5 miles, at a cost of \$172,697; or of five such connections, amounting 8.88 miles, for \$138,113; or of two connections, amounting to 5.17 miles, at \$105,999 per annum, each conditional upon the proposals proving on investigation to be reasonable. A fourth proposition involved the same constructions as the third above, with Station A added, at a figure of \$102,000. All proposals included the continued operation of the existing system, which is the connection now in operation between New York and Brooklyn.

The committee reported that they considered the figures submitted them as above large, and suggested 6-inch tubes in the extensions if adopted. The committee thought the present service valuable and advised its continuance. It was, however, considered that the new estimates for that service were too high, and that the figure of \$41,676 should be reduced to more nearly \$20,000 plus the cost of power.

Mr. SPOONER. Mr. President, may I inquire what document that is?

The PRESIDENT pro tempore. The Secretary will state the document.

The SECRETARY. House Document No. 289, Pneumatic-Tube Service, report of the Postmaster-General to Congress.

Mr. SPOONER. It is not a report—

Mr. WOLCOTT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I do.



Mr. WOLCOTT. I have at this moment had a notice served on me as follows:

UNITED STATES SENATE,  
Washington, D. C., February 19, 1901.

Please call an immediate meeting of committee to consider Senator MASON's amendment about pneumatic tubes.

WILLIAM E. MASON.  
S. B. ELKINS.  
MARION BUTLER.  
WILLIAM E. CHANDLER.  
J. P. DOLLIVER.  
C. A. CULBERSON.  
A. S. CLAY.

Senator WOLCOTT,  
Chairman of Committee P. O. and P. Roads.

Under these circumstances, and owing to the somewhat peremptory character of this notice, I conceive it to be my duty as chairman of the committee to call an immediate meeting, and I therefore move that the Senate do now adjourn.

The PRESIDENT pro tempore. Will the Senator from Colorado withhold the motion for a moment, that the Chair may announce his signature to sundry enrolled bills?

Mr. WOLCOTT. I prefer not to yield. I consider that in the twelve years I have been here this is the most imperative notice I have ever known to be given in the Senate, and I prefer not to give way.

The PRESIDENT pro tempore. The Senator from Colorado moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1901, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 20, 1901.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

### CHANGE OF REFERENCE.

The SPEAKER laid before the House House joint resolution 307, authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays, changing the reference from the Committee on Rivers and Harbors to the Committee on Railways and Canals.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BARBER, indefinitely, on account of sickness.

### RETURN OF BILL FROM THE PRESIDENT.

The SPEAKER laid before the House the following request of the Senate; which was considered, and agreed to:

Resolved by the Senate, That the President be requested to return to the Senate the bill of the Senate 3338, granting a pension to Mary A. Morton.

### SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14018.

The Clerk read as follows:

For extension of electric-light plant, \$10,000;  
For improvement and general overhauling of hospital, \$12,000.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I notice an item on page 102 for extension of electric lighting plant. I would like to ask the gentleman in charge of the bill what clause or item under this head of Central Branch carries the appropriation for the electric lighting or gas lighting itself? In which item is that carried?

Mr. CANNON. Current expenses.

Mr. RICHARDSON of Tennessee. On what page is that?

Mr. CANNON. I will find out in a moment.

Mr. RICHARDSON of Tennessee. It is at the bottom of page 99?

Mr. CANNON. I am mistaken. It is page 100. "For household."

Mr. RICHARDSON of Tennessee. Well, that does not include the lighting itself, as I understand. That says:

For fuel, including fuel for cooking, heat, and light.

But it does not say for lighting purposes. It is simply for the fuel there, it seems to me.

Mr. CANNON. "For fuel, heat, and light." I think that is broad enough.

Mr. RICHARDSON of Tennessee. That is what I wanted to get at. That item includes the lighting itself, as I understand.

Mr. CANNON. Yes.

The Clerk read as follows:

At the Northwestern Branch, at Milwaukee, Wis.: For current expenses, including the same objects specified under this head for the Central Branch, \$28,750;

For subsistence, including the same objects specified under this head for the Central Branch, \$127,500;

For household, including the same objects specified under this head for the Central Branch, \$55,000;

For hospital, including the same objects specified under this head for the Central Branch, \$32,000;

For transportation of members of the Home, \$1,500;

For repairs, including the same objects specified under this head for the Central Branch, \$25,500;

For nurses' quarters and furniture, \$7,500;

For chaplains' quarters, \$2,500;

For farm, including the same objects specified under this head for the Central Branch, \$9,500;

In all, \$289,750.

Mr. CURTIS. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The gentleman from Kansas offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 103, line 20, after the word "dollars," add the following:

"That the jurisdiction over the places purchased and used for the location of the Branches of the National Home for Disabled Volunteer Soldiers, under and by the authority of an act of Congress approved March 21, 1896, in Milwaukee County, State of Wisconsin, and upon which said Branch Home is located, and by authority of an act of Congress approved July 5, 1888, in the County of Leavenworth, State of Kansas, and upon which said Branch Home is located, is hereby ceded to the respective States in which said Branches are located, and relinquished by the United States, and the United States shall claim or exercise no jurisdiction over said places after the passage of this act: *Provided*, That nothing contained herein shall be construed to impair the powers or rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and on said places."

Mr. HEPBURN. I would like some explanation of this, Mr. Chairman.

Mr. CURTIS. This provision is the same that was made for the Homes at Dayton, Ohio, Danville, Ill., and Marion, Ind. It is made necessary because the supreme court of Ohio has decided that where jurisdiction had been ceded by the State to the General Government the officers of the State courts could not serve papers issued in civil cases on the lands ceded by the State. The same question was decided by the circuit court of Grant County, Ind., and the gentleman from the Fifth Kansas district [Mr. CALDERHEAD] informs me that the district court in one of the counties in the district he represents has held that the papers issued in civil cases could not be legally served on lands ceded by the State to the General Government. This amendment, if agreed to, will give the State jurisdiction and will not interfere with the management of the Home.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

At the Eastern Branch at Togus, Me.: For current expenses, including the same objects specified under this head for the Central Branch, \$30,000;

For subsistence, including the same objects specified under this head for the Central Branch, \$125,000;

For household, including the same objects specified under this head for the Central Branch, \$52,000;

For hospital, including the same objects specified under this head for the Central Branch, \$30,000;

For transportation of members of the Home, \$1,500;

For repairs, including the same objects specified under this head for the Central Branch, \$22,200;

For new cemetery, \$2,500;

For road, necessary drainage, and excavation, \$5,000;

For 2 boilers, connections, and setting up, to replace old and worn-out boilers, \$7,500;

For commissary quarters and furniture, \$6,500;

For farm, including the same objects specified under this head for the Central Branch, \$13,250;

In all, \$295,450.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 104, after line 19, insert "the four preceding sums shall be immediately available."

The amendment was agreed to.

The Clerk read as follows:

At the Pacific Branch, at Santa Monica, Cal.: For current expenses, including the same objects specified under this head for the Central Branch, \$27,500;

For subsistence, including the same objects specified under this head for the Central Branch, \$105,000;

For household, including the same objects specified under this head for the Central Branch, \$50,000;

For hospital, including the same objects specified under this head for the Central Branch, \$27,500;

For transportation of members of the Home, \$3,000;

For repairs, including the same objects specified under this head for the Central Branch, \$27,500;

For addition to hospital dining room and kitchen, and septic tank for hospital sewage, \$11,000;

For farm, including the same objects specified under this head for the Central Branch, \$11,000.